

DOMESTIC VIOLENCE CASES BENCHBOOK

- **ORDERS OF PROTECTION**
- **INJUNCTIONS AGAINST HARASSMENT**
- **INJUNCTIONS AGAINST WORKPLACE
HARASSMENT**



Prepared by
**The Committee on the Impact of
Domestic Violence and the Courts (CIDVC)**
and
The Domestic Violence Benchbook Workgroup

**For All Arizona Courts
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FORWARD



By Judge William O'Neil, Chair of the Committee on the Impact of Domestic Violence and the Courts (CIDVC)

The pages of this book are not designed to process cases, but rather to seek justice, one person at a time. Each person who enters the court has a face, a name, a past and more importantly, a future. We cannot change the past, but we can influence the future. As a result, while we don't ignore the past, it is that future that we must be concerned with. This book is filled with information that will guide you to that purpose. However, knowledge alone is not sufficient to overcome the problems of life. We each need wisdom, the ability to live life with skill. It is my hope this Benchbook will improve your skill level in this important area of the law. In the end we can each make an enormous difference in the lives of others if we are willing to make the effort to do so.

There will always be a price to seeking justice. However, we do not pay the price for success, we pay the price for failure. The price of success is perseverance and dedication. The price of failure may seem to some, cheap in the short run, but it is far more expensive in the long run. There are few areas where one can have greater impact to influence future outcomes than in domestic violence cases. There are even fewer areas where the cost of failure can be measured higher.

My gratitude, appreciation and respect for the character, integrity and effort of those who helped craft this book is boundless. After reviewing this Benchbook I hope you are as appreciative of the work of those who dedicated their time to creating this resource as I am. While it has been my privilege to serve as Chair of the Committee on the Impact of Domestic Violence and the Court, that pales in comparison to the joy of working with the members of this committee.

PREFACE

This Benchbook reflects official policies adopted by the Arizona Supreme Court as well as laws contained in the Arizona Revised Statutes (A.R.S.). The purpose of this benchbook is to standardize procedures and ensure consistent results for the issuance of protective orders to include: Orders of Protection (OP), Emergency Orders of Protection (EOP), Injunctions Against Harassment (IAH), and Injunctions Against Workplace Harassment (IAWH) throughout the state.

At the time of publication, this benchbook reflects accurate and up-to-date information and forms. However, readers should make themselves aware of any subsequent changes in the law and forms.

For matters involving criminal law, refer to CIDVC's *Domestic Violence Criminal Benchbook*.

I. DOMESTIC VIOLENCE CRIMES

A Judicial Officer (JO) may grant protective orders either *ex parte* or after a hearing for the purpose of restraining a person from committing any of the following 21 crimes of domestic violence. ([A.R.S. §13-3601\(A\)](#)).

- [A.R.S. §13-604.01](#) Dangerous crimes against children
- [A.R.S. §13-1201](#) Endangerment
- [A.R.S. §13-1202](#) Threatening or intimidating
- [A.R.S. §13-1203](#) Assault
- [A.R.S. §13-1204](#) Aggravated assault
- [A.R.S. §13-1302](#) Custodial interference
- [A.R.S. §13-1303](#) Unlawful imprisonment
- [A.R.S. §13-1304](#) Kidnapping
- [A.R.S. §13-1502](#) Criminal trespass, third degree
- [A.R.S. §13-1503](#) Criminal trespass, second degree
- [A.R.S. §13-1504](#) Criminal trespass, first degree
- [A.R.S. §13-1602](#) Criminal damage
- [A.R.S. §13-2810](#) Interfering with judicial proceedings
- [A.R.S. §13-2904](#) Disorderly conduct (subsection A, paragraph 1,2, 3 or 6)
- [A.R.S. §13-2916](#) Use of telephone to terrify, intimidate, threaten, harass, annoy or offend
- [A.R.S. §13-2921](#) Harassment
- [A.R.S. §13-2921.01](#) Aggravated harassment
- [A.R.S. §13-2923](#) Stalking
- [A.R.S. §13-3019](#) Surreptitiously photographing, videotaping, filming, or digitally recording a person
- [A.R.S. §13-3601.02](#) Aggravated domestic violence
- [A.R.S. §13-3623](#) Child or vulnerable adult abuse

II. RELATIONSHIP TEST FOR ORDERS OF PROTECTION

A Judicial Officer (JO) must find that a specific relationship between the plaintiff (victim) and the defendant exists, in order to issue an Order of Protection (OP), ([A.R.S. §13-3601\(A\)](#)).

Note: The Injunction Against Harassment (IAH) and Injunction Against Workplace Harassment (IAWH) do not have a relationship requirement.

A. The relationship test is met if any of the following apply:

1. Related by Blood

The victim is related to the defendant or the defendant's spouse by blood (parent, grandparent, child, grandchild, brother or sister).

2. Related by Marriage

a. The victim and the defendant are or were married.

b. The victim is related to the defendant or the defendant's spouse by marriage (parent-in-law, grandparent-in-law, step-parent, step-grandparent, step-child, step-grandchild, brother-in-law, and sister-in-law).

Note: Judges should use their discretion to determine if former in-laws meet the relationship requirement.

3. [Other Relationships – Statutory \(A.R.S. §13-3601\(A\)\)](#).

a. The victim and the defendant reside or have resided in the same household. [A.R.S. §13-3601\(A\)\(1\)](#).

b. The victim and the defendant have a child in common. [A.R.S. §13-3601\(A\)\(2\)](#).

c. The victim or the defendant is pregnant by the other party. [A.R.S. §13-3601\(A\)\(3\)](#).

d. The victim is related to the defendant or the defendant's spouse by court order (adopted child). [A.R.S. §13-3601\(A\)\(4\)](#).

e. The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or has resided in the same household as the defendant. [A.R.S. §13-3601\(A\)\(5\)](#).

B. The relationship test is also met when a plaintiff acts on behalf of a victim if any of the following apply ([A.R.S. §13-3602\(A\)](#)):

1. Plaintiff is the parent, legal guardian or person who has legal custody of a minor or incapacitated person who is a victim, unless the court determines otherwise.
2. The victim is either temporarily or permanently unable to request an order.

III. TYPES OF PROTECTIVE ORDERS

A Judicial Officer (JO) shall not issue an OP/IAH that restricts the conduct of the plaintiff. In addition to the four types of protective orders described in this section , a JO may issue a Release Order when a person is arrested for an act of domestic violence and is released from custody. ([A.R.S. §13-3601\(I\)](#) and the *CIDVC Domestic Violence Criminal Benchbook*).

A. Order of Protection (OP)

A JO may issue an OP if reasonable evidence is found at an *ex parte* hearing or after a hearing in which the defendant is present. ([A.R.S. §13-3601](#) and [A.R.S. §13-3602](#)).

1. Any JO may issue an OP notwithstanding the location of the plaintiff and defendant.
2. An OP may:
 - a. Enjoin the defendant from committing an act of domestic violence.
 - b. Grant one party exclusive use and possession of the parties' residence if there is reasonable cause to believe physical harm may otherwise result.
 - c. Restrain the defendant from contacting the plaintiff or other specifically designated persons and from coming near the residence, place of employment, or school of the plaintiff or other designated persons, if there is reasonable cause to believe physical harm may otherwise result.
 - d. Prohibit the defendant from possessing or purchasing a firearm for the duration of the OP.
 - e. If possession of a weapon is prohibited, order the defendant to transfer any firearm owned or possessed to the appropriate law enforcement agency for the duration of the order.
 - f. Grant relief necessary to protect the victim or other specifically designated persons from harm.
 - g. If the order was issued after notice and a hearing at which the defendant had an opportunity to appear, require the defendant to complete a domestic violence offender treatment program provided by a facility approved by the Department of Behavioral Health Services or a probation department.

Note: It is recommended, in domestic violence cases, that a JO order the defendant to attend a domestic violence offender

treatment program (also known as a Batterer Intervention Program (BIP)). Although a JO may also order a defendant to attend anger management or drug treatment programs, these programs are not substitutes for a domestic violence offender treatment program.

3. The OP must be served within one year of the date of issuance; the OP is valid for one year after service of the original OP. (See **Appendix A** for form).

Note: Violation of an OP may result in arrest and prosecution. ([A.R.S. §13-2810](#) and the *CIDVC Domestic Violence Criminal Benchbook*).

B. Emergency Order of Protection (EOP)

A JO may grant an EOP either in writing or orally upon request of the victim, usually via a law enforcement officer. The EOP is for the protection of a person in “immediate and present danger of domestic violence.” ([A.R.S. §13-3624\(C\)](#)). (See **Appendix A** for form).

1. A JO may receive a request for and issue an EOP by telephone.
2. An EOP may:
 - a. Enjoin the defendant from committing an act of domestic violence.
 - b. Grant one party exclusive use and possession of the parties’ residence if there is reasonable cause to believe physical harm may otherwise result.
 - c. Restrain the defendant from contacting the plaintiff or other specifically designated persons and from coming near the residence, place of employment, or school of the plaintiff or other designated persons, if there is reasonable cause to believe physical harm may otherwise result.
 - d. Prohibit the defendant from possessing or purchasing a firearm for the duration of the order, upon a finding that the defendant may inflict serious bodily injury or death on the plaintiff.
3. Unless continued by a JO an EOP is valid only until the close of the next judicial business day following the day that the EOP was issued. ([A.R.S. §13-3624\(E\)](#)).
4. In counties with a population of 150,000 persons or more, the presiding judge of the Superior Court must ensure that a JO is available to issue an EOP during the hours that the courts are closed. Based on the 2000 Census Report, the following counties are included in this requirement:

- a. Maricopa County
- b. Mohave County
- c. Pima County
- d. Pinal County
- e. Yavapai County
- f. Yuma County

In smaller counties, any JO may issue an EOP.

C. Injunction Against Harassment (IAH)

An IAH is similar procedurally to an OP but is governed by a different statute ([A.R.S. §12-1809](#)) and is different in scope. (See **Appendix A** for form).

1. A JO may issue an IAH upon a finding by reasonable evidence, at an *ex parte* hearing or after a hearing in which the defendant is present.

Harassment is defined as:

“ . . . that there exists a series of acts over any period of time directed at a specific person that would cause a reasonable person to be seriously alarmed, annoyed or harassed and that in fact seriously alarms, annoys or harasses the person and serves no legitimate purpose.” ([A.R.S. §12-1809\(R\)](#)).

2. An IAH is not limited to domestic violence cases.

Note: An IAH often involves disputes between neighbors, friends, landlords and tenants, and persons not residing together (e.g. persons in a dating relationship).

3. Unlike an OP, a JO does not need to find a “relationship” in order to issue an IAH.
4. An IAH may:
 - a. Enjoin the defendant from committing harassment.
 - b. Restrain the defendant from contacting the plaintiff or other specifically designated persons and from coming near the residence, place of employment or school of the plaintiff or other specifically designated locations or persons.
 - c. Grant other relief necessary to protect the plaintiff and other specifically designated persons.
5. The IAH must be served within one year of the date of issuance; the IAH is valid for one year after service of the original IAH.

Note: Violation of an IAH may result in arrest and prosecution. ([A.R.S. §13-2810](#) and the *CIDVC Domestic Violence Criminal Benchbook*).

D. Injunction Against Workplace Harassment (IAWH)

An employer or an employer's authorized agent may petition for an IAWH. Although similar to the "personal" IAH statute ([A.R.S. §12-1809](#)), the IAWH differs from the IAH as follows: (See **Appendix A** for form).

1. Most IAWHs will qualify for an IAH.

Note for JOs: Check if the employer and the authorized agent in the case are the same person; if so, an IAH may be the more appropriate protective order.

2. The employer is the "plaintiff" in the case; the petition may be filed by an authorized agent of the employer.
3. The petition may be filed for relief on behalf of all employees at the workplace, any person who enters the employer's property and any person who is performing official work duties.

Note: the IAWH allows for the inclusion of numerous people under the protective umbrella of this injunction. The "personal" [IAH \(A.R.S. §12-1809\)](#) is usually between two people.

4. The JO determines if the person seeking the IAWH is the employer or the authorized agent of the employer.
5. Workplace harassment is defined as "a single threat or act of physical harm or damage or a series of acts over a period of time that would cause a reasonable person to be seriously alarmed or annoyed." ([A.R.S. §12-1810](#)).

Note: This definition is different from the IAH definition ([A.R.S. §12-1809](#)) which specifically defines non-workplace "harassment" as "a series of acts over any period of time that is directed at a specific person."

6. The employer may not seek an IAWH primarily to accomplish a purpose for which it was not designed such as prohibiting free speech or other activities that are constitutionally protected or otherwise protected by law.
7. An IAWH may (See [A.R.S. §12-1810\(F\)](#)):
 - a. Enjoin the defendant from committing harassment.
 - b. Restrain the defendant from contacting the plaintiff, other designated persons and from coming near the place of employment

or workplace, if the employee or others perform official duties in locations away from the place of employment.

- c. Grant other relief necessary to protect the plaintiff and other specifically designated persons.

IV. POLICIES FOR DOMESTIC VIOLENCE CASES

A. Access to the Courts

1. All limited and general jurisdiction courts shall be available (during normal courtroom operating hours) to issue and/or enforce an OP, IAH or IAWH, collectively known as protective orders, regardless of location of the parties. ([A.R.S. §13-3602](#), [A.R.S. §12-1809](#) and [A.R.S. §12-1810](#)) A plaintiff may file a petition for a protective order with any municipal, justice or superior court judicial officer. However, Courts located within one mile proximity may enter into agreements designating a principal court for issuance of protective orders. If courts enter into an agreement, the referring court should provide written or verbal information and directions regarding the designated court and should ensure that the designated court is open to issue an order that day.

Court personnel shall advise plaintiffs or their agents of their right to obtain protective relief in any court. All courts shall be prepared to issue protective orders at all times. Courts having only part-time JOs do not have to obtain coverage specifically for the issuance of protective orders.

2. No court shall refuse a person's request to file a petition for a protective order even if that particular court does not normally issue protective orders.
3. If a JO is not available, the JO has a responsibility to provide coverage for protective orders for his or her court.
4. Court staff should direct the persons requesting protective orders to the appropriate court location or law enforcement agency.

B. Domestic Relations Cases

1. A limited jurisdiction court shall not issue an OP if the petition or plaintiff's statement reveals that an action for maternity, paternity, annulment, dissolution of marriage or legal separation is pending.

If a domestic relations action is pending in the superior court, the superior court has exclusive jurisdiction to issue the OP. A limited jurisdiction court must refer the plaintiff to the superior court. An action is considered to be pending if either an action has been commenced but a final judgment, decree or order has not been entered or a post-decree proceeding has been commenced, but a judgment, decree or order finally determining the proceeding has not been entered. ([A.R.S. §13-3602\(O\)](#)).

Nevertheless, a JO of a limited jurisdiction court may issue an OP if one of the following factors exists:

- a. Imminent danger to the plaintiff by the alleged defendant; or
 - b. Factors exist that prevent or seriously hinder the plaintiff's access to the superior court in which a domestic relations action is pending (e.g. distance the plaintiff must travel to the superior court; time of day; presence of the alleged defendant).
- 2. No OP is invalid or ineffective merely because a JO of a limited jurisdiction court issued it when an action for maternity or paternity, annulment, legal separation, or dissolution of marriage was pending in a higher court. ([A.R.S. §13-3602\(O\)](#)).
- 3. If, after issuance of an OP, the limited jurisdiction court is notified in writing that a domestic relations action is pending, all documents relating to the OP promptly shall be transferred to the superior court.
 - a. Within 24 hours of the notification, all papers, together with a certified copy of docket entries or other records, shall be transferred to the superior court where the action is pending.

Note: If the Certificate of Service arrives after the OP is transferred to the superior court, send the Certificate of Service to the superior court.

- b. Notwithstanding this transfer requirement, unless prohibited by a superior court order, a limited jurisdiction court may hold a hearing on all matters relating to an *ex parte* OP if the hearing was requested before receiving written notice of the pending superior court action. ([A.R.S. §13-3602\(O\)](#)).

Note: To protect the parties' rights to a timely hearing, the superior court should make every effort to hold the hearing the same day or within forty-eight hours of the date that the hearing originally was scheduled.

- 4. Juveniles under 12: Only the juvenile division of the superior court may issue a protective order against a person less than 12 years of age. ([A.R.S. §13-3602\(B\)](#) and [A.R.S. §12-1809\(B\)](#)).
- 5. No JO has the authority to include a child of the defendant in an OP unless there is reasonable cause to:
 - a. Believe that physical harm has resulted or may result to the child ([A.R.S. §13-3602\(G\)\(3\)](#)); or
 - b. Determine that the alleged acts of domestic violence ([A.R.S. §13-3601\(A\)](#)) involved the child.

Note: An OP should never be used as a way to modify, amend, affect or diminish the parents' rights to custody, parenting time, or access to children as previously granted in a custody decree or a parenting time order from a court of competent jurisdiction, unless the JO makes either of the findings listed above in paragraphs 5.a. and b.

C. Priority for OP, IAH and IAWH

1. JOs must expeditiously schedule *ex parte* hearings for a protective order involving a threat to personal safety even if previously scheduled matters are interrupted.
2. No OP is invalid or ineffective merely because a JO of a limited jurisdiction court issued it when an action for maternity or paternity, annulment, legal separation, or dissolution of marriage was pending in a higher court. ([A.R.S. §13-3602\(O\)](#)).

D. Security

The JO shall ensure that the victim is treated with fairness, respect and dignity and is free from intimidation, harassment or abuse throughout the court process.

1. At all stages of proceedings involving protective orders, the JO shall maintain appropriate security for the parties and court personnel.
2. The JO shall, before, during and immediately after any court proceeding, provide appropriate safeguards to minimize the contact that occurs between the victim, the victim's immediate family and the victim's witnesses and the defendant, the defendant's immediate family and defense witnesses.
3. The JO may request that a law enforcement officer be present in the courtroom during the hearing or to escort a party to or from the courtroom.
4. Following a hearing, the JO may direct the defendant to remain in the courtroom for a short period of time after the plaintiff is excused.

Note: Crime Victims' Rights arise on the arrest or formal charging of the person or persons who are alleged to be responsible for a criminal offense against a victim. ([A.R.S. §13-4402\(A\)](#)). (See also Ariz. Const., Art. 2 §2.1 and A.R.Cr.P, Rule 39(b)(1)).

E. Mediation

The JO shall not order or refer the parties to mediate issues presented in a proceeding for an OP or any domestic or family violence issues in a proceeding for an IAH or IAWH.

Note: Mediation of issues when domestic violence exists is problematic because the victim is not on equal bargaining terms with the defendant. (National Council of Juvenile and Family Court Judges, Model Code on Domestic and Family Violence, January 1994).

F. Appeals

After a hearing with notice to the affected party, a protective order entered by a limited jurisdiction court may be appealed to the superior court without regard to an amount in controversy. ([A.R.S. §13-3602\(O\)](#), [A.R.S. §12-1809\(N\)](#) and [A.R.S. §12-1810](#) (N)) The procedures to be followed are outlined in [A.R.S. §22-261](#) for justice courts--made applicable to municipal courts by [A.R.S. §22-425](#)-- and are governed by the Superior Court Rules on Appellate Procedure-Civil.

[A.R.S. §12-2107\(B\)](#) provides “a filing fee shall not be charged to an appellant for filing an appeal, or to an appellee filing a cross appeal in the same case, to the court of appeals or to the supreme court from an order.

G. Children as Protected Persons

1. No JO has the authority to include a child of the defendant in an OP unless there is reasonable cause to:
 - a. Believe that physical harm has resulted or may result to the child ([A.R.S. §13-3602\(G\)\(3\)](#)); or
 - b. Determine that the alleged acts of domestic violence ([A.R.S. §13-3601\(A\)](#)) involved the child.

Note: An OP should never be used as a way to modify, amend, affect or diminish the parents’ rights to custody, parenting time or access to children as previously granted in a custody decree or a parenting time order from a court of competent jurisdiction, unless the JO makes either of the findings listed above in 1a and b.
2. If there is no legal relationship between the defendant and the child, the court, upon request, may prohibit the defendant’s contact with the child based on danger to the plaintiff.
3. A protective order shall NOT include parenting time exceptions (e.g. exchange of children) that allow the defendant to contact or come near the plaintiff.

An OP/IAH shall not contain provisions regarding child custody or parenting time issues. Legal issues (e.g. maternity, paternity, child support, custody, parenting time, dissolution of marriage or legal separation) for Arizona cases may only be addressed by the superior court in a separate action under Title 25 of the Arizona Revised Statutes.

4. Under the Violence Against Women Act II (VAWA II), foreign OPs that include child custody and/or child support do qualify for enforcement through the full faith and credit provision. (See [18 U.S.C. §2265](#)).

H. Child Custody and Parenting Time in Arizona

A protective order shall not contain provisions regarding child custody or parenting time issues. Legal issues (e.g. maternity, paternity, child support, custody, parenting time, dissolution of marriage or legal separation) for Arizona cases may only be addressed by the superior court in a separate action under Title 25 of the Arizona Revised Statutes.

1. Under [A.R.S. §13-3602\(G\)\(3\)](#), an OP may restrain the defendant from contacting or coming near specifically designated persons.

If there is no legal relationship between the defendant and the child, the JO, upon request, may prohibit the defendant's contact with the child based on danger to the plaintiff.

2. Before granting an OP prohibiting contact with a child, the JO shall consider the following factors:
 - a. Whether the child will be harmed if the defendant is permitted to maintain contact with the child.
 - b. Whether the child will be endangered if there is contact outside the presence of the plaintiff.

Note: No protective order should include exceptions that allow the defendant to contact or come near the plaintiff for child custody or parenting time with the children.

Superior Court Note: When an action under Title 25 is presented, Family Court JOs should seriously consider the options set forth in [A.R.S. §25-403\(P\)](#), including supervised exchanges of parenting time, when an order of protection is in effect.

I. Mutual Orders

A JO shall not grant a mutual OP/IAH. If a defendant desires relief regarding the conduct of the plaintiff, then the defendant shall file a separate petition requesting the appropriate relief, and the court shall open a separate case file. The JO shall apply the same statutory standards for issuing an OP/IAH. ([A.R.S. §13-3602\(H\)](#) and [A.R.S. §12-1809\(G\)](#)).

A JO shall not issue an OP/IAH that restricts the conduct of the plaintiff.

J. Cross Petitions

Any defendant in an OP/IAH case may file a petition for an OP/IAH against the plaintiff.

1. The new petition shall be regarded as a separate action. (In most jurisdictions the new petition will be assigned a new case number.)
2. If opposing parties file separate petitions for an OP/IAH, after consultation, the JOs involved may consolidate the petitions of the opposing parties for hearing.
3. This does not prohibit the JO from issuing cross OP/IAHs.

K. Cross Orders / Consolidation of Cases

1. On occasion, different JOs will issue simultaneous or contemporaneous OP/IAHs that grant conflicting relief. In such event, JOs should consult with each other and attempt to consolidate hearings to resolve the conflict, especially in cases involving the exclusive use of a residence. ([A.R.S. §13-3602](#) (H)).

Note: JOs shall make every effort to consult with each other rather than simply issuing cross orders for the sake of expediency.

VAWA Note: States that issue mutual protective orders may be at risk of losing Federal funding. (Violence Against Women Act, [42 U.S.C. §379.6 \(1994\)](#)).

2. JOs shall not issue mutual OP/IAHs; however, a JO may issue separate cross [OP/IAHs. \(A.R.S. §13-3602](#) (H); [A.R.S. §12-1809\(G\)](#)).

L. Fees and Costs

1. The court should advise the parties of the filing and service fees listed below. ([A.R.S. §12-284](#), [A.R.S. §12-1810](#), [A.R.S. §12-2107](#), [A.R.S. §22-281](#) and [A.R.S. §22-404](#)).

Filing fees:

- Petition for or Request to Modify OP/IAH - no charge
- Petition for IAWH - charge pursuant to [A.R.S. §12-1810](#) and [A.R.S. §12-284\(A\)](#). Current practice is not to charge for this type of petition.
- Petition to Request a Hearing for OP/IAH/IAWH - no charge
- Motion to Quash or Dismiss OP/IAH - no charge
- Motion to Quash or Dismiss IAWH - charge pursuant to [A.R.S. §12-284\(A\)](#)
- Notice of Appeal of OP/IAH - no charge
- Notice of Appeal of IAWH - charge pursuant to [A.R.S. §12-284\(A\)](#)

Service fees:

- OP – No charge for law enforcement to serve.
- IAH involving a dating relationship - No charge for law enforcement to serve
- IAH not involving a dating relationship - Charge determined by the serving agency
- IAWH - Charge determined by the serving agency

Note: The court cannot collect the fees for service.

Note: The *Order of Protection and Injunction Guide Sheet* mandated by the Arizona Supreme Court contains this notice.

2. A JO may defer or waive any of the fees for injunctions listed above. ([A.R.S. §12-302](#) and [A.R.S. §13-3602\(D\)](#)).

Under the Arizona Supreme Court procedures, fees listed above for petitions for OP/IAH are considered “limited circumstances” cases in which the court is granted discretion to initially waive, rather than defer, service fees. In these cases, a person seeking an injunction may establish eligibility for deferral by verbal avowal rather than by written application. A specialized order form has been created for court use. (*See Appendix B*).

A JO shall not require the plaintiff to perform community service as a condition to the waiver or deferral of these fees. If any filing or service fees have not been waived, they may be assessed against the plaintiff.

Note: A law enforcement agency or constable is prohibited from requiring the advance payment of fees for service of process of IAH not involving a dating relationship and IAWH. ([A.R.S. §12-1809\(D\)](#)). Consequently, court personnel shall not collect advance payment on behalf of the serving agency.

3. Costs of the action, including attorney fees, may be assessed against any party.

After a hearing with notice to the affected party, a JO may order any party to pay the costs of the action including reasonable attorney fees, if any. ([A.R.S. §13-3602\(O\)](#) and [A.R.S. §12-1809\(N\)](#)). The amount of any award for attorney fees must be reasonable in the circumstances.

Note: In determining whether to award costs and/or attorney fees, some considerations are:

- a. The merits of the claim or defense asserted by the unsuccessful party,
- b. Whether the award would pose an extreme hardship to the unsuccessful party, and
- c. Whether the award may deter others from making valid claims.

M. Forms

All courts shall use standardized protective order forms for domestic violence cases. A.C.J.A. §5-207). (See **Appendix A**).

1. Courts are required to provide, without charge, all forms for protective orders. [A.R.S. §13-3602\(D\)](#) and [A.R.S. §12-1809\(D\)](#) mandate that courts provide forms to unrepresented parties “for purposes of this section.” This broad requirement includes any form mandated for use in all Arizona courts under A.C.J.A. §5-207 (See **Appendix A**).
2. The court shall make reasonable efforts to provide to both parties an appropriate information sheet on emergency and support services that are available in the local area. ([A.R.S. §13-3602\(D\)](#)).

The Arizona Supreme Court Administrative Office of the Courts (AOC) has developed a statewide resource list of services categorized by county and a model safety plan. Copies may be obtained by calling (602)542-9250 or on the Internet at: <http://www.supreme.state.az.us/dr/dv.htm>. (Also see **Appendices F and G**).

3. In addition, the court shall provide to the plaintiff information about a

safety plan and should make every effort to provide information on appropriate emergency and support services once the order is issued. (See [Appendices F and G](#)). ([A.R.S. §13-3602\(D\)](#)).

N. Limit on Number of Protective Orders

There is no limit on the number of times a party may request a protective order. The number of times a protective order has been dismissed does not provide a basis for denying a request for protective relief. Each time a petition for protective relief is filed, the JO must make an independent determination whether there is reasonable cause to believe that the applicable statute has been violated ([A.R.S. §13-3602\(E\)](#), [A.R.S. §12-1809\(E\)](#) and [A.R.S. §12-1810](#)).

O. Protected Addresses

1. If the address of the plaintiff is unknown to the defendant, on request of the plaintiff the address shall not be listed in the petition for a protective order or the protective order. ([A.R.S. §13-3602\(C\)\(1\)](#) and [A.R.S. §12-1809\(C\)\(1\)](#)).

If the plaintiff requests, the address must be protected whether or not the court issues a protective order. However, a plaintiff's address information must be disclosed to the court. The protected address is not subject to release or disclosure by the court or any form of public access without a court order and must be maintained in a separate document or automated database.

2. Courts shall develop policies and protocols to ensure a safeguard against the unauthorized release of these protected addresses.

Note: Courts should decide whether to use the *Order of Protection and Injunction Guide Sheet, Confidential Information Form* (both in **Appendix A**), or other form as a request for confidential address protection.

P. Documents Indicating “DV”

[A.R.S. §13-3601\(H\)](#) does not require that a protective order involving domestic violence bear the designation “DV.”

The requirement of [A.R.S. §13-3601\(H\)](#) that documents be designated by the letters “DV” applies to each indictment, information, complaint, summons or warrant that is issued involving domestic violence.

Q. Recording of Hearings

JOs shall cause all protective order hearings, including *ex parte* hearings, to be recorded electronically or by court reporter.

If hearings are not electronically recorded or otherwise reported, an appeal from such a hearing will result in an automatic *de novo* hearing.

R. Service of Protective Orders

A copy of the protective order must be served on the defendant, together with a copy of the petition, within one year from the date that the JO signs the protective order. Otherwise, the protective order expires. ([A.R.S. §13-3602\(K\)](#), [A.R.S. §12-1809\(J\)](#) and [A.R.S. §12-1810\(I\)](#)).

Note: The defendant should be personally served because 1) personal service on the defendant satisfies the criminal notice requirement if a violation of the protective order is prosecuted under criminal statutes, 2) many Sheriffs' Offices (holders of record) will not accept for purposes of LPOR/NCIC entry unless the *Certificate of Service* shows personal service on the defendant.

1. There is no requirement that the copy of the order served on the defendant be certified.
2. An initial or modified protective order is effective on the defendant upon service of a copy of the order and the petition.

An order expires one year after service on the defendant and a modified order expires one year after service of the initial protective order.

3. In court, a defendant may sign an Acceptance of Service form. If the defendant refuses to sign an Acceptance of Service form, the JO may direct a law enforcement officer or process server to serve the defendant in court.

Superior Court Note: The minute entry should reflect what method of service was utilized.

4. Each Affidavit, Acceptance of Service or Return of Service shall be promptly filed with the clerk of the issuing court. ([A.R.S. §13-3602\(L\)](#), [A.R.S. §12-1809\(K\)](#) and [A.R.S. §12-1810\(J\)](#)).

The filing shall be completed either in person, by fax or by mail. If filed by mail, it must be postmarked no later than the end of the seventh court business day after the date of service. If filed by fax, the original Affidavit, Acceptance of Service or Return of Service shall then be promptly filed with the court.

S. Registration of Protective Order and Affidavit, Acceptance or Return of Service

Each issuing court shall forward a copy of a protective order and a copy of the Affidavit, Acceptance or Return of Service to the sheriff's office in the county in which the protective order was issued for registration.

1. Registration must occur **within twenty-four hours** after the Affidavit, Acceptance or Return of Service has been filed, excluding weekends and holidays. ([A.R.S. §13-3602\(L\)](#), [A.R.S. §12-1809\(K\)](#) and [A.R.S. §12-1810\(J\)](#)).

Note: Courts shall not retain copies of the Affidavit, Acceptance or Return of Service in order to send a "batch" at the end of the month to the sheriff's office.

2. The sheriff of each county is required to maintain a central repository for protective orders so that the validity of a protective order may easily be verified. ([A.R.S. §13-3602\(L\)](#), [A.R.S. §12-1809\(K\)](#) and [A.R.S. §12-1810\(J\)](#)).

The courts must ensure that a copy of a protective order and a copy of the Affidavit or Declaration, Acceptance or Return of Service has been forwarded to the sheriff for registration into the central repository.

3. The state standard is for courts to input data from protective orders into the Court Protective Order Repository (CPOR).
4. Notice of modification or dismissal of a protective order shall be sent to the sheriff in the county where the original protective order was registered within twenty-four hours of entry.

5. A protective order, whether or not registered, is a valid order of the court for a period of one year from the date of service.

Note: When prosecuting under [A.R.S. §13-2810](#), registration of a protective order is immaterial.

T. Offender Treatment Programs (Also known as Batterer Intervention Programs (BIPs)).

1. The JO may require the defendant to complete a domestic violence offender treatment program only after notice and at a hearing where the defendant had an opportunity to participate. ([A.R.S. §13-3602\(G\)\(5\)](#)).

The JO should obtain reports from the domestic violence offender treatment program which track enrollment and offender compliance of program requirements.

If the JO does not receive the above mentioned reports, the JO may contact the program to request these reports.

Note: Before ordering defendants to domestic violence offender treatment programs, JOs should review the information in **Appendix H, Domestic Violence Offender Treatment Programs and Offender Accountability**; especially note that anger management programs and couple's counseling are not substitutes for domestic violence offender treatment programs.

Note: A Department of Justice study questions the effectiveness of offender treatment/batterer intervention programs. (NIJ, June, 2003, <http://www.ojp.usdoj.gov/vawo/statistics.htm>). This study and others indicate success is contingent upon the coordinated response from the criminal justice system and the community. (Healy & Smith, 1998, Godolph, 1997).

Note: A list of licensed Misdemeanor Domestic Violence Offender Treatment Programs approved by the Department of Behavioral Health Services can be found in **Appendix I**. An updated listing can be obtained by calling (602) 674-4300 or downloading from the Internet at <http://www.hs.state.az.us/als/forms/dvtx.pdf>.

2. If the JO becomes aware that the defendant has failed to comply with the order to complete a domestic violence offender treatment program, the JO may set the matter for an Order to Show Cause hearing.

Criminal Note: When sentencing a criminal defendant found guilty of a misdemeanor domestic violence offense, the JO shall include an offender treatment program as a sentencing provision. For more information, please consult the CIDVC Domestic Violence Criminal Benchbook and [A.R.S. §13-3601.01\(A\)](#).

V. PARTIES TO THE PROCEEDING

A. Minors as Parties

1. Minors as Defendants

In all protective order cases, where a minor is accused of wrongdoing, the petition shall name the minor as the defendant, not the minor's parent, guardian or the person who has legal custody.

- a. When the minor is under 16 years old, service must be made upon both the minor and a parent, guardian or the person who has legal custody. (A.R.C.P. Rule 4.1(e)).
- b. Only the juvenile division of the superior court may issue a protective order against a defendant who is under 12 years old. ([A.R.S. §13-3602\(B\)\(2\)](#), [A.R.S. §12-1809\(B\)\(2\)](#) and [A.R.S. §12-1810\(B\)\(1\)](#)).

2. Minors as Plaintiffs

- a. The petition shall name the parent, guardian or the person who has legal custody as the plaintiff and the minor shall be listed as a protected party. ([A.R.S. §13-3602\(A\)](#)).
- b. If a parent, guardian or person who has legal custody of a minor is unavailable, the petition may name the minor as the plaintiff.
- c. Pursuant to [A.R.S. §13-3602\(A\)](#) the court may determine to list the minor as the plaintiff.
- d. If the minor is seeking relief from the parent, guardian or the person who has legal custody, the petition shall name the minor as the plaintiff.
- e. The relationship between the minor victim and defendant shall qualify under the relationship test for an Order of Protection, if that is the remedy sought. ([A.R.S. §13-3601\(A\)\(5\)](#)). The relationship between the parent, guardian, or adult named as the plaintiff, and the defendant, is not relevant to this test.

3. Qualifying Relationships for Issuance of an Order of Protection Regarding a Minor ([A.R.S. §13-3601\(A\)](#)).

- a. The relationship test is met if any of the following apply:
 - i. Related by Blood

The victim is related to the defendant or the defendant's spouse by blood (parent, grandparent, child, grandchild, brother or sister).

ii. Related by Marriage

- (a) The victim and the defendant are or were married.
- (b) The victim is related to the defendant or the defendant's spouse by marriage (parent-in-law, grandparent-in-law, step-parent, step-grandparent, step-child, step-grandchild, brother-in-law, sister-in-law).

Note: Former in-laws do not meet the relationship requirement.

iii. Other Relationships – Statutory (A.R.S. §13-3601(A)).

- (a) The victim and the defendant reside or have resided in the same household. A.R.S. §13-3601(A)(1).
- (b) The victim and the defendant have a child in common. A.R.S. §13-3601(A)(2).
- (c) The victim or the defendant is pregnant by the other party. A.R.S. §13-3601(A)(3).
- (d) The victim is related to the defendant or the defendant's spouse by court order (adopted child). A.R.S. §13-3601(A)(4).
- (e) The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or has resided in the same household as the defendant. A.R.S. §13-3601(A)(5).

b. The relationship test is also met when a plaintiff acts on behalf of a victim if any of the following apply (A.R.S. §13-3602(A)):

- i. Plaintiff is the parent, legal guardian or person who has legal custody of a minor or incapacitated person who is a victim, unless the court determines otherwise.
- ii. The victim is either temporarily or permanently unable to request an order.

Note: If relief is being requested on behalf of a minor, the Judicial Officer (JO)

may request that the minor be present to verify that the minor seeks protection.

- c. In OP cases, the JO shall ensure that the relationship between the defendant and the minor listed as a specifically designated person entitled to protection (not the parent, guardian or the person who has legal custody who is listed as the plaintiff on the petition) satisfies the relationship test listed in [A.R.S. §13-3601\(A\)](#):
 - i. Persons reside or have resided in the same household.
 - ii. The victim and the defendant have a child in common.
 - iii. The victim or the defendant is pregnant by the other party.
 - iv. The victim is related to the defendant or the defendant's spouse by blood (parent, grandparent, child, grandchild, brother or sister) or by marriage (parent-in-law, grandparent-in-law, step-parent, step-child, step-grandparent, step-grandchild, brother-in-law or sister-in-law).
 - v. The victim is related to the defendant or the defendant's spouse by court order (adopted child).
 - vi. A child who has a relationship to the defendant (resides or has resided in the same home and is related by blood to the former spouse of the defendant or to a person who resides or has resided in the same household as the defendant).

4. Scenarios Involving Minor Child as Victim and Related Adult as Plaintiff with no Qualified Relationship Between Plaintiff and Defendant:

Scenario 1: Plaintiff: Parent with whom child lives
 Defendant: Live-in boy/girlfriend of the non-custodial parent who does not live with child
 OP Eligible? No, unless the child and the defendant lived in the same household in the past.

Scenario 2: Plaintiff: Parent with whom child lives
 Defendant: Boy/girlfriend of parent who does not live with child
 OP Eligible? No, unless the child, parent, and the defendant lived in the same household in the past.

Scenario 3: Plaintiff: Parent with whom the child lives

	Defendant:	Current spouse of parent who does not live with child
	OP Eligible?	Yes, because of the step-parent relationship with the defendant. (A.R.S. §13-3601(A)(4)).
Scenario 4:	Plaintiff:	Parent who does not live with child
	Defendant:	Live-in boy/girlfriend of parent who lives with child
	OP Eligible?	Yes, because the child lives with the defendant and the parent in the same household. (A.R.S. §13-3601(A)(5)).
Scenario 5:	Plaintiff:	Parent who does not live with child
	Defendant:	Boy/girlfriend (who has separate residence) of parent who lives with child
	OP Eligible?	No, unless the child, parent, and the defendant lived in the same household in the past.
Scenario 6:	Plaintiff:	Parent who does not live with child
	Defendant:	Spouse of parent who lives with child
	OP Eligible?	Yes, because of the step-parent relationship with the defendant. (A.R.S. §13-3601(A)(4) and (5)).

B. Multiple Parties

A petition for a protective order shall contain the name of only one plaintiff and one defendant.

Note: The JO has discretion to grant protective relief to others by identifying them in the body of the protective order as specifically designated persons under [A.R.S. §13-3602\(G\)\(3\)](#), (6) and [A.R.S. §12-1809\(F\)](#) except as noted in paragraph A(2) above.

Note: If the plaintiff also requests relief for a specifically designated person, the JO may request that the person be present or be contacted by telephone to verify that the person seeks protection.

C. Third-Party Requests on Behalf of a Plaintiff

A third party may request relief on behalf of a plaintiff if the plaintiff is either temporarily or permanently unable to make the request. ([A.R.S. §13-3602\(A\)](#) and [A.R.S. §12-1809\(A\)](#)).

1. The JO shall determine if the third party is an appropriate party to file a

petition on behalf of a plaintiff.

2. The petition shall name as plaintiff the party for whom protection is being sought.
3. The petition shall list the third party's name on the line beneath the name and the date of birth of the plaintiff. The third party shall sign on behalf of the plaintiff.

Note: The use of a third party is not for the convenience of the plaintiff, but rather for the inability of the plaintiff to appear before the JO (e.g. plaintiff is hospitalized or confined to plaintiff's residence).

D. Undocumented Immigrant Victims

Battered immigrants and their children need and are entitled to the full protection of the law, including orders of protection, regardless of status. A denial of a protective order would be considered discrimination based on national origin which is specifically prohibited by law. ([18 USC §2261](#) and [18 USC §2262](#)).

VI. PROCEDURES FOR ISSUING PROTECTIVE ORDERS

A. **Order of Protection** (*See Appendix C, Ex Parte Order of Protection Issuance Hearing Script*).

The Judicial Officer (JO) shall hold a hearing with each plaintiff or third party who requests an OP. It is inappropriate for a JO to sign an OP after merely reviewing the written petition.

1. **Petition Verification and Swearing In**

A plaintiff or appropriate third party must sign and swear (or affirm) to the truth of the petition before a JO or other person authorized to administer an oath.

Note: In situations where the plaintiff does not possess identification, the JO may verify the petition on the record by requiring the plaintiff or appropriate third party to swear (or affirm) that the contents of the petition are true.

2. **Petition Review**

A JO shall review the petition, any other pleadings on file and any evidence offered by the plaintiff to determine whether the order requested should be issued *ex parte*. ([A.R.S. §13-3602\(E\)](#)).

- a. JOs in limited jurisdiction courts shall determine whether a domestic relations action is pending in the superior court.
 - i. A limited jurisdiction JO shall not issue an OP when it appears from the petition or plaintiff's statements that an action for maternity, paternity, annulment, legal separation or dissolution of marriage is pending between the parties. ([A.R.S. §13-3602\(O\)](#)).
 - ii. If the JO determines there is a pending domestic relations action, the JO shall direct the plaintiff to file the petition for OP at the superior court location where the action is pending, unless the JO finds one of the following factors exists:
 - a) Imminent danger to the plaintiff by the alleged defendant; or
 - b) Factors exist that prevent or seriously hinder the plaintiff's access to the superior court in which a domestic relations action is pending (e.g. distance

the plaintiff must travel to the superior court; time of day; presence of the alleged defendant).

- iii. The term “pending” means that an action or a post-decree proceeding has begun, but a JO has not entered a final judgment, decree or order.
- iv. The JO shall advise the parties to notify the court if a domestic relations action subsequently is filed in the superior court, in order that the transfer of the file to the superior court may occur.
- v. Regardless of jurisdiction, the JO shall ensure the plaintiff’s confidentiality is protected. (*See 3. Confidentiality of Plaintiff’s Address* below.)

Note: [A.R.S. §13-3602\(O\)](#) does not apply to an IAH. There is no equivalent statutory provision regarding Injunctions that would prohibit issuance of an IAH by a limited jurisdiction JO when a domestic relations action is pending. If the limited jurisdiction protective order affects a pending parenting time issue, the limited jurisdiction court should transfer the matter to the superior court where the action is pending.

- b. The petition shall allege specific acts of domestic violence and the dates of occurrence. ([A.R.S. §13-3602\(C\)\(3\)](#)).

In considering whether there is reasonable cause to believe that acts of domestic violence have occurred or may occur, the JO shall consider this question for the plaintiff individually, and also for each individual that the plaintiff has included as a potential protected person in the petition.

- i. A separate reasonable cause determination should be made for each name listed on the petition.
- ii. An exception to this requirement occurs when the plaintiff has requested protection for the plaintiff’s biological or adoptive children who are not the biological or adoptive children of the defendant.
- iii. If the individuals for whom the plaintiff is requesting protection are children common to plaintiff and defendant, the JO shall not list the children as protected parties unless there is an independent basis for protecting each child.

- c. If after the *ex parte* hearing the JO does not have sufficient information to grant the OP, the JO may deny the request or set a hearing with proper notice to the defendant.
- d. If the JO denies the plaintiff's request for an OP, the JO should indicate the same by ruling or a separate log sheet.

Note: An order of protection petition should not be used as the instrument for denial.

- e. Regardless of whether the OP is granted or denied, the JO will ensure that the plaintiff's confidentiality is protected. (*See 3. Confidentiality of Plaintiff's Address* below.)
- f. The JO should ask the plaintiff about the defendant's use of or access to weapons or firearms.

3. Confidentiality of Plaintiff's Address

At the *ex parte* hearing, the JO shall ask whether the plaintiff wants to keep his/her address protected from disclosure.

- a. The plaintiff's address shall be protected only if it is unknown to the defendant. ([A.R.S. §13-3602\(C\)\(1\)](#)).
- b. The JO shall verify that the plaintiff's protected address does not appear on the petition and order.
- c. Each court shall maintain a system that protects the plaintiff's address from being disclosed when the plaintiff requests confidentiality. Confidentiality applies whether or not the JO issues an [OP. \(A.R.S. §13-3602\(C\)\(1\)\)](#).

4. Issuance of Order

After the JO determines jurisdiction, the JO shall issue an OP if there is reasonable cause to believe that the defendant may commit an act of domestic violence or has committed such an act within the past year (or longer period of time if the court finds good cause to consider a longer period). ([A.R.S. §13-3602](#) (E)).

Note: If the petition does not support the issuance of an OP, it may support an IAH. The plaintiff or appropriate third party shall complete the appropriate paperwork for an IAH.

Note: If the court denies issuance of an *ex parte* OP/IAH, the JO, nevertheless, may set a hearing within ten days with reasonable notice to the defendant. ([A.R.S. §13-3602\(F\)](#)).

a. No Contact Orders

The JO may order that the defendant shall not contact the plaintiff or other protected parties (e.g. in person, by phone, in writing, via third party, etc.) ([A.R.S. §13-3602\(G\)\(3\)](#)).

b. Exclusive Use of Residence

The JO may grant plaintiff exclusive use of the parties' residence, if there is reasonable cause to believe that physical harm otherwise may result. ([A.R.S. §13-3602\(G\)\(2\)](#)).

Note: Exclusive use of the parties' residence may be granted to a non-owner resident based on the above statute. JO's may want to grant exclusive use to a non-owner resident for a stated period of time.

The JO may allow the defendant to return ONE time, accompanied by a law enforcement officer, to pick up personal belongings.

c. Prohibited Locations

The JO may also order that the defendant shall not go near the residence, place of employment or school of the plaintiff or other protected parties. The JO may include other specifically designated location(s) in the Order. If the defendant does not know the address of these additional places, the JO may, upon request of the plaintiff, leave the addresses protected. ([A.R.S. §13-3602\(G\)\(3\)](#)).

Note: If the residence is included in the no contact provision, the apartment number should not be listed. By listing the address and location without the apartment number the defendant is prohibited from being on the premises, including the parking lot.

d. Firearms

The JO should ask the plaintiff about the defendant's use of or access to weapons or firearms.

The JO makes this inquiry to determine if the defendant poses a credible threat to the physical safety of the plaintiff or other protected party(ies). The JO may, for the duration of the OP:

- i. Prohibit the defendant from possessing or purchasing firearms, and
- ii. Order the defendant, immediately after service of the OP,

to transfer any firearm, owned or possessed, to the appropriate law enforcement agency. ([A.R.S. §13-3602\(G\)\(4\)](#)). Generally, this is the police department or sheriff's office with jurisdiction over the location of the defendant or firearm.

- e. The JO may grant relief that is necessary for the protection of the plaintiff and other specifically designated persons and that is proper under the circumstances.
- f. The plaintiff or appropriate third party shall be provided with a conformed copy (a certified copy is not necessary) of the OP at the initial *ex parte* hearing.

5. Plaintiff Advisories

- a. The JO should advise the plaintiff or appropriate third party that the OP is not effective until it is served. Once served, the OP remains in effect for one year.

Note: The JO should explain how an OP can be served. (*See* [A.R.S. §13-3602\(D\)](#)).

- b. The plaintiff or appropriate third party shall be advised of the contents and the duration of the OP.

The Order must be served within one year of its issuance. Once served, it remains in effect for one year. A modified Order is effective for one year from the date of service of the original Order. If protection still is required, the plaintiff may file a petition for another OP. There is no expressed statutory limit on the number of protective orders that may be granted.

- c. The plaintiff shall be advised to carry a conformed copy of the OP at all times.

If a defendant is physically present with the plaintiff and has not yet been served, a peace officer may be summoned to the scene and may use the conformed copy of the OP to effect service on the defendant. The JO should also advise the plaintiff or appropriate third party of the benefit of providing copies of the order to employers, apartment managers, security personnel, law enforcement in other jurisdictions and the like. Often these people can alert law enforcement, or the plaintiff, should the defendant appear on the premises in violation of the order.

- d. The JO shall provide the plaintiff or appropriate third party with an

information sheet about appropriate local emergency and counseling services. (See [A.R.S. §13-3602\(D\)](#) and **Appendices F and G**).

Note: In addition, copies of a model safety plan and a statewide resource list of emergency and support services may be obtained by calling CIDVC support staff at (602) 542-9250 or by downloading from the Internet at:

<http://www.supreme.state.az.us/dr/dv.htm>.

- e. The JO should advise the plaintiff or appropriate third party that the defendant can request a court hearing any time during the year that the OP is in effect.
- f. To permit notification of any scheduled hearing, the plaintiff or appropriate third party shall be advised to report to the court any change of address or telephone number.

Note: If the plaintiff's address and telephone number are protected, any changes must also be protected.

- g. The JO should caution the plaintiff or appropriate third party that an OP does not guarantee personal safety.

Note: The JO should stress that the plaintiff or appropriate third party should take any other necessary precautions to ensure safety. (See Script, **Appendix C**.)

- h. The JO should advise the plaintiff or appropriate third party to contact a law enforcement agency if there is any violation of the OP.
- i. The JO shall advise the plaintiff or appropriate third party that the OP does not legally address the marital relationship, child custody or parenting time issues; therefore an OP is not a substitute for a dissolution of marriage, maternity or paternity action.
- j. The JO should explain that an Order of Protection is not valid against third parties such as landlords. For example, when the plaintiff is granted exclusive use of the apartment where the parties reside, a landlord may choose not to honor the plaintiff's occupancy if the plaintiff is not a leaseholder.

B. Emergency Orders of Protection (EOP)

1. Who is authorized to issue an EOP?

- a. In counties with a population of 150,000 or more, the presiding judge of the superior court in that county shall make available on a rotating basis a judge, justice of the peace, magistrate or commissioner to issue an EOP by telephone during hours that the courts are closed. ([A.R.S. §13-3624\(A\)](#)).
- b. In counties with a population of less than 150,000, a judge, justice of the peace, magistrate or commissioner may issue an EOP by telephone. ([A.R.S. §13-3624\(B\)](#)).
- c. Upon request by a plaintiff, a law enforcement officer may call the sheriff's office to request how to contact the designated JO.

The availability of an EOP is not affected by either party leaving the residence. ([A.R.S. §13-3624\(G\)](#)).

2. A JO may grant a written or oral request for an EOP *ex parte*.

- a. A JO may issue a written or oral order if a law enforcement officer has reasonable grounds to believe that a person is in immediate and present danger of domestic violence based on an allegation of a recent incident of actual domestic violence. ([A.R.S. §13-3624\(C\)](#)).
- b. A JO may issue a written or oral order upon the request of the alleged victim if there is a finding that a person's life or health is in imminent danger. ([A.R.S. §13-3624\(F\)](#)).
- c. A third party may request an emergency order on behalf of a plaintiff who is either temporarily or permanently unable to make the request. After the request, the JO shall determine if the third party is an appropriate requesting party for the plaintiff. ([A.R.S. §13-3624\(F\)](#)).

3. To protect a victim of domestic violence, an EOP may include any of the following ([A.R.S. §13-3624\(D\)](#)):

- a. Enjoin the defendant from committing an act of domestic violence.
- b. Grant one party exclusive use and possession of the parties' residence if there is reasonable cause to believe physical harm may otherwise result.
- c. Restrain the defendant from contacting the plaintiff or other

specifically designated persons and coming near the residence, place of employment or school of the plaintiff or other designated persons, if there is reasonable cause to believe physical harm may otherwise result.

- d. Prohibit the defendant from possessing or purchasing a firearm for the duration of the order, upon a finding that the defendant may inflict bodily injury or death on the plaintiff.

4. Issuance and Service of an EOP ([A.R.S. §13-3624](#))

Because an EOP is issued for the protection of a person in immediate and present danger of domestic violence:

- a. The law enforcement officer who receives verbal authorization for an EOP shall complete and sign the emergency order as instructed by the JO. The law enforcement officer then gives a copy of the EOP to the plaintiff or appropriate third party.
- b. Service is different from the procedures found in A.R.C.P. Rule 4. The law enforcement officer arranges for service upon the defendant. After service of the EOP on the defendant, the law enforcement officer files a certificate of service with the court and verbally notifies the sheriff's office that a JO has issued an EOP. ([A.R.S. §13-3624\(F\)](#)).

Note: A number of counties issue EOP's using the superior court name and case number, regardless of the jurisdiction of the authorizing JO. The law enforcement agency should be filing the EOP with certification of service in superior court.

5. Duration

An emergency order expires at the close of the next day of judicial business following the day of issue, unless otherwise continued by the court. ([A.R.S. §13-3624\(E\)](#)). A petition for an OP may be filed the following business day.

C. Injunction Against Harassment

The JO shall hold a hearing with each plaintiff or appropriate third party who requests an IAH. It is inappropriate for a JO to sign an IAH after merely reviewing the written petition.

- 1. **The plaintiff or appropriate third party shall be advised at the time a petition is filed that there are no fees for service of process if the IAH arises from a dating relationship.** Service fees may be deferred or waived for other IAH cases. ([A.R.S. §12-1809\(D\)](#)).

Court personnel shall not collect advance payment of service fees on behalf of the serving agency.

2. Petition Verification and Swearing In

A plaintiff or appropriate third party must sign and swear (or affirm) to the truth of the petition before a JO or other person authorized to administer an oath.

Note: In situations where the plaintiff or appropriate third party does not possess identification, the JO may verify the petition on the record by requiring the plaintiff or appropriate third party to swear (or affirm) that the contents of the petition are true.

3. Petition Review

A JO shall review the petition, any other pleadings on file and any evidence offered by the plaintiff to determine whether the order requested should be issued *ex parte*.

- a. The petition shall allege specific acts of harassment and the dates of occurrence. ([A.R.S. §12-1809\(C\)\(3\)](#)).

Note: “Harassment” for an IAH (not for an IAWH) means “a series of acts over any period of time that is directed at a specific person and that would cause a reasonable person to be seriously alarmed, annoyed, or harassed and the conduct in fact seriously alarms, annoys, or harasses the person and serves no legitimate purpose.” ([A.R.S. §12-1809\(R\)](#)).

- b. Regardless of whether the IAH is granted or denied, the JO will ensure that the plaintiff’s confidentiality is protected. (*See 4. Confidentiality of Plaintiff’s Address* below.)
- c. There is no statutory provision regarding IAH that would prohibit issuance by a limited jurisdiction court when a domestic relations action is pending in superior court.

4. Confidentiality of Plaintiff’s Address

At the *ex parte* hearing, the JO shall ask whether the plaintiff wants to keep his/her address protected from disclosure.

- a. The plaintiff’s address shall be protected only if it is unknown to the defendant. ([A.R.S. §12-1809\(C\)\(1\)](#)).
- b. The JO shall verify that the plaintiff’s protected address does not appear on the petition and IAH.

- c. Each court shall maintain a system that protects the plaintiff's address from being disclosed when the plaintiff requests confidentiality. Confidentiality applies whether or not the JO issues an [IAH. \(A.R.S. §12-1809\(C\)\(1\)\)](#).

Note: Courts should decide whether to use the *Order of Protection and Injunction Guide Sheet, Confidential Information Form* (both in **Appendix A**), or other form as a request for confidential address protection.

5. Issuance of IAH

- a. The JO shall issue an IAH if there is a finding of reasonable evidence of harassment of the plaintiff by the defendant during the year preceding the filing or that good cause exists to believe that great or irreparable harm would result to the plaintiff if the injunction is not granted before the defendant or the defendant's attorney can be heard in opposition. ([A.R.S. §12-1809\(E\)](#)).
 - i. If the JO is going to issue the IAH at the *ex parte* hearing, the JO must find specific facts attesting to the plaintiff's efforts to give notice to the defendant or reasons supporting the plaintiff's claim that notice should not be given.
 - ii. If the JO denies issuing an IAH at an *ex parte* hearing, the JO may set a hearing within ten days with reasonable notice to the defendant.

b. No Contact Orders

The JO may order that the defendant shall not contact the plaintiff or other protected parties (e.g. in person, by phone, in writing, via third party, etc.) ([A.R.S. §12-1809\(F\)\(2\)](#)).

c. Prohibited Locations

The JO may also order that the defendant shall not go near the residence, place of employment or school of the plaintiff or other protected parties. The JO may include other specifically designated location(s) in the [IAH. \(A.R.S. §12-1809\(F\)\(2\)\)](#).

- d. The JO may grant relief that is necessary for the protection of the plaintiff and other specifically designated persons and that is proper under the circumstances. ([A.R.S. §12-1809\(F\)\(3\)](#)).

6. Plaintiff Advisories

- a. The JO should advise the plaintiff or appropriate third party that the IAH is not effective until it is served. Once served, the IAH remains in effect for one year.

Note: The JO should explain how an IAH can be served.

- b. The plaintiff or appropriate third party shall be advised of the contents and the duration of the IAH.

The Injunction must be served within one year of its issuance. Once served, it remains in effect for one year. A modified Injunction is effective for one year from the date of service of the original Injunction. If protection still is required, the plaintiff may file a petition for another IAH. There is no statutory limit on the number of IAHs that may be granted.

- c. The JO should advise the plaintiff or appropriate third party that the defendant can request one court hearing any time during the year that the IAH is in effect.

- d. To permit notification of any scheduled hearing, the plaintiff or appropriate third party shall be advised to report to the court any change of address or telephone number.

Note: If the JO ordered the plaintiff's address and telephone number be kept confidential, then any changes to the plaintiff's address or telephone number must also be kept confidential.

- e. The JO should caution the plaintiff or appropriate third party that an IAH does not guarantee personal safety.

Note: The JO should stress that the plaintiff or appropriate third party should take any other necessary precautions to ensure safety.

- f. The JO should advise the plaintiff or appropriate third party to contact a law enforcement agency if there is any violation of the IAH.

- g. The plaintiff or appropriate third party shall be provided with a conformed copy (a certified copy is not necessary) of the IAH at the initial *ex parte* hearing.

The plaintiff shall be advised to carry the conformed copy at all times. If a defendant is physically present with the plaintiff and has not yet been served, a law enforcement officer may be summoned to the scene and may use the conformed copy to effect service on the defendant. The plaintiff or appropriate third party also shall be advised of the benefit of providing copies of the injunction to employers, apartment managers, security personnel and the like.

Often these people can alert law enforcement, or the plaintiff, should the defendant appear on the premises in violation of the injunction.

Additionally, advise the plaintiff that the employer may file a petition for an IAWH if the defendant is harassing the plaintiff at the workplace.

- h. The court shall provide the plaintiff or appropriate third party with an information sheet about a safety plan and make a reasonable effort to provide a listing of local emergency and support services.

Copies of a model safety plan and a statewide resource list of emergency and counseling services may be obtained by calling (602) 542-9250 or on the Internet at:

<http://www.supreme.state.az.us/dr/dv.htm>.

(Also see **Appendices F and G**).

D. Injunction Against Workplace Harassment

The JO shall hold a hearing with each plaintiff (employer) or authorized agent of the employer who requests an IAWH. It is inappropriate for a JO to sign an IAWH after merely reviewing the written petition.

1. Petition Verification and Swearing In

An employer or authorized agent must sign and swear (or affirm) to the truth of the petition before a JO or other person authorized to administer an oath.

2. Petition Review

- a. A JO shall review the petition, any other pleadings on file and any evidence offered by the employer or authorized agent to determine whether the order requested should be issued *ex parte*. ([A.R.S. §12-1810\(E\)](#)).
- b. The petition shall allege specific acts of harassment and the dates of occurrence. ([A.R.S. §12-1810\(C\)\(3\)](#)).

3. Issuance of Order

The JO shall issue an IAWH if the JO finds reasonable evidence of workplace harassment by the defendant during the year preceding the filing or that good cause exists to believe that great or irreparable harm would result to the employer or other person who enters the employer's property or who is performing official work duties or if the injunction is not granted before the defendant or the defendant's attorney can be heard

in opposition.

The court must find specific facts attesting to the employer's efforts to give notice to the defendant or reasons supporting the employer's claim that notice should not be given. If the court denies issuance of an *ex parte* injunction, the JO nevertheless may set a hearing within ten days with reasonable notice to the defendant.

- a. The JO may order that the defendant not contact the employer, employees or other person who enters the employer's property, by phone, in writing or other, such as E-mail.
- b. The JO may grant relief that is necessary for the protection of the employer, employees or other person who enters the employer's property and that is proper under the circumstances.
- c. The employer or authorized agent shall be provided with a conformed copy (a certified copy is not necessary) of the OP at the initial *ex parte* hearing.

4. Plaintiff Advisories

- a. The JO should advise the employer or authorized agent that the IAWH is not effective until it is served. Once served, the IAWH remains in effect for one year.

Note: The JO should explain how an IAWH can be served.

- b. The employer or authorized agent shall be advised of the contents and the duration of the IAWH.

The Injunction must be served within one year of its issuance. Once served, it remains in effect for one year. A modified Injunction is effective for one year from the date of service of the original Injunction. If protection still is required, the plaintiff may file a petition for another IAWH. There is no expressed statutory limit on the number of protective orders that may be granted.

- c. The JO should advise the employer or authorized agent that the defendant can request a court hearing any time during the year that the IAWH is in effect.
- d. To permit notification of any scheduled hearing, employer or authorized agent shall be advised to report to the court any change of address or telephone number.

- e. The JO should caution the employer or authorized agent that an IAWH does not guarantee the safety of the employer, employees or other persons who enter the employer's property.
- f. The JO should advise the employer or authorized agent to contact a law enforcement agency if there is any violation of the IAWH.

VII. MOTION TO DISMISS, QUASH OR MODIFY PRIOR TO HEARING

After a Judicial Officer (JO) grants an OP or IAH, but before a defendant requests a hearing, it is not unusual for the plaintiff, or both parties, to return to the court to request that the OP/IAH be quashed or modified. Caution must be taken to ensure the plaintiff is not making the request under duress or coercion.

If a plaintiff returns to the court to request that the OP or IAH be quashed or modified after the defendant has requested a hearing, the JO shall not speak to the plaintiff separately, because this would be an *ex parte* communication.

A. Motion to Dismiss or Quash

A plaintiff's Motion to Dismiss or Quash the order may be granted only after complying with the following procedures.

1. At the time a Motion to Dismiss or Quash is filed or requested, court personnel shall verify the identity of the plaintiff.

This protects the parties and the court from fraudulent attempts to dismiss the protective order.

2. To ensure that the request is not motivated by coercion or duress, the plaintiff shall personally appear before the JO and explain why dismissal of the order is sought.

A Motion to Dismiss or Quash shall not be granted unless the plaintiff personally appears.

3. If the plaintiff and defendant appear jointly on a Motion to Dismiss or Quash, the JO may exclude the defendant from the hearing where the defendant has been served but has not requested the hearing.

This procedure will allow the court and plaintiff to discuss candidly and privately the reasons for the request for dismissal without the possibility of intimidation that the defendant's presence may cause. If the plaintiff requests that an order of the court be dismissed without the defendant being present, the JO may take action without notice to the defendant.

4. If an OP or IAH is dismissed or quashed, the sheriff in the county where the original OP/IAH was registered must be notified within 24 hours of the entry of the order. ([A.R.S. §13-3602\(L\)](#)).
5. The registration requirements of [A.R.S. §13-3602\(L\)](#) and [A.R.S. §12-1809\(K\)](#) are intended to allow ready verification of the existence and validity of an OP/IAH.

To maintain the integrity of this process, the sheriff must be notified when an OP/IAH has been dismissed or quashed. Although there is no statutory procedure for notification, an appropriate method would be to forward a copy of the dismissal or quashing order in the same manner as for the OP/IAH.

B. Motion to Modify

1. A plaintiff may request that an OP or IAH be modified during the term of the protective order.

As in the case of Motions to Dismiss or Quash, the JO should verify that the plaintiff's request is not the result of coercion or duress. Also, the JO may exclude the defendant from the hearing where the defendant has been served but has not requested the hearing.

2. A motion to modify, made after a hearing cannot be granted without setting a motion to modify hearing and giving notice to the defendant.
3. The service and registration requirements applicable to original OP/IAH also apply to modified orders/injunctions.

A modified OP/IAH is effective upon service and expires one year after the date of service of the original OP/IAH.

VIII. HEARINGS PROTOCOL

At any time while a protective order or modified protective order is in effect, a defendant may request a hearing in writing. ([A.R.S. §13-3602\(I\)](#)).

- A. A Judicial Officer (JO) shall hold a hearing at the earliest possible time.
 - 1. If an OP grants exclusive use of the home, a JO shall hold a hearing within five court business days of the request.
 - 2. For all other protective orders, a JO shall hold a hearing within ten days of the request unless the JO finds good cause to continue the hearing for a longer period of time.

Note: Intermediate Saturdays, Sundays and holidays are not counted in computing the five or ten day periods listed in paragraphs 1.a. and 1.b. above. If the last day of the time period falls on a Saturday, Sunday, or holiday, the time period ends on the next day that is not a Saturday, Sunday or holiday. (A.R.C.P. 6(a)).

- B. The JO shall ensure that all hearings are recorded.
- C. The JO shall ensure that both parties and their witnesses at the hearing are not subject to harassment or intimidation in the courthouse or adjoining property.

Note: For each hearing, the JO should determine whether there is a need to have a law enforcement officer, a security officer, or a victim's advocate present to help ensure the hearing is orderly.

- D. The JO shall ensure that both parties have an opportunity to be heard, to present evidence and to call and examine and cross-examine witnesses.

Note: At the beginning of a hearing, especially when attorneys are not present, a JO should explain the hearing process to the parties and should determine, by questioning the parties, what issues(s) the JO will decide at the hearing.

- E. The JO shall swear in, under oath, all parties and witnesses at *ex parte* and full hearings.
- F. For the protective order to remain in effect as originally issued or as modified after the hearing, the JO must find, by the preponderance of evidence standard, that the plaintiff has satisfied the plaintiff's burden or proof.
- G. At the conclusion of the hearing, the JO should state the basis for continuing, modifying or revoking the OP.

Note: The plaintiff or the court should arrange for service of a modified protective order on the defendant. A JO may facilitate this process by requesting the defendant sign an Acceptance of Service form in court.

IX. NEW REQUEST FOR AN OP, IAH OR IAWH

When a protective order expires and the plaintiff desires to continue the relief granted in the protective order, the plaintiff must file a new verified petition. The Judicial Officer must make an independent determination whether there is reasonable cause to believe the Judicial Officer (JO) should issue the protective order. ([A.R.S. §13-3602\(E\)](#), [A.R.S. §12-1809\(E\)](#) and [A.R.S. §12-1810](#)).

- A. There is no statutory limit on the number of petitions for protective orders that a plaintiff may file.
- B. The plaintiff does not have to provide new evidence in the subsequent petition; the Judicial Officer may review any other pleadings on file and any evidence offered by the plaintiff. ([A.R.S. §13-3602\(E\)](#)).
- C. The JO in making the reasonable cause independent determination, may consider that the prior protective order has prevented the actions which supported the issuance of the prior protective order.

Note: The JO may review the prior protective order file or any pleadings about the prior protective order presented by the plaintiff.

- D. [Arizona's Full Faith and Credit Statute: \(A.R.S. §13-3602 \(R\)\)](#).
 - 1. A valid protective order that is related to domestic or family violence and that is issued by a court in another state, a court of a United States territory or a tribal court shall be accorded full faith and credit and shall be enforced as if it were issued in this State for as long as the order is effective in the issuing jurisdiction.
 - 2. This statute states:

A protective order includes any injunction or other order that is issued for the purpose of preventing violent or threatening acts or harassment against, contact or communication with or physical proximity to, another person. A protective order includes temporary and final orders other than support or child custody orders that are issued by civil and criminal courts if the order is obtained by the filing of an independent action or is a *pendente lite* order in another proceeding. The civil order shall be issued in response to a complaint, petition or motion that was filed by or on behalf of a person seeking protection.

 - a. A protective order is valid if the issuing court had jurisdiction over the parties and the matter under the laws of the issuing state, a United States territory or an Indian tribe and the person against whom the order was issued had reasonable notice and an opportunity to be heard. If the order is issued *ex parte*, the notice and opportunity to be heard shall be provided within the time

required by the laws of the issuing State, a United States territory or an Indian tribe and within a reasonable time after the order was issued.

- b. A mutual protective order issued against both the party who filed a petition or a complaint or otherwise filed a written pleading for protection against abuse and the person against whom the filing was made is not entitled to full faith and credit if either:
 - i. The person against whom an initial order was sought has not filed a cross or counter petition or other written pleading seeking a protective order.
 - ii. The issuing court failed to make specific findings supporting the entitlement of both parties to be granted a protective order.

E. Reciprocity for Protective Orders

- 1. The full faith and credit provision of the Violence Against Women Act (codified at [Title 18 U.S.C. §2265](#)), in combination with its definitions section ([Title 18 U.S.C. §2266](#)), directs states and tribal courts to enforce valid civil and criminal protective orders issued by foreign State and tribal courts as though issued in the enforcing State or Indian country.
- 2. Full text of Section 2265 provides that:
 - a. Full Faith and Credit - Any protective order issued that is consistent with subsection (b) of this section by the court of one State or Indian tribe (the issuing State or Indian tribe) shall be accorded full faith and credit by the court of another State or Indian tribe (the enforcing State or Indian tribe) and enforced as if it were the order of the enforcing State or tribe.
 - b. Protective Order - A protective order issued by a State or Tribal court is consistent with this subsection if:
 - i. Such court has jurisdiction over the parties and matter under the law of such State or Indian tribe; and
 - ii. Reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of *ex parte* orders, notice and opportunity to be heard must be provided.
 - c. Cross or Counter Petition - A protective order issued by a State or tribal court against one who has petitioned, filed a complaint, or

otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if—

- i. No cross or counter petition, complaint, or other written pleading was filed seeking such a protective order; or
- ii. A cross or counter petition has been filed and the court did not make specific findings that each party was entitled to such an order.

X. FIREARMS AND AMMUNITION

A. Arizona Firearms Prohibition /Transfer

At an *ex parte* hearing, if a Judicial Officer (JO) finds that the defendant is a credible threat to the physical safety of the plaintiff or specifically designated person(s), then the JO may prohibit the defendant from possessing or purchasing a firearm for the duration of the [OP. \(A.R.S. §13-3602\(G\)\(4\)\)](#).

1. Credible threat is not limited to the use of a firearm, but also extends to the threatened use of a firearm, use or threat of use of other dangerous weapons and other actions which place the plaintiff or other specifically designated persons in fear of bodily harm or death. ([A.R.S. §13-3602\(G\)\(4\)](#)).
2. If the JO prohibits the defendant from possessing a firearm, the JO shall also order the defendant to transfer any firearm owned or possessed by the defendant, immediately after service of the OP, to the appropriate law enforcement agency. ([A.R.S. §13-3602\(G\)\(4\)](#)).

B. Federal Firearms Prohibition/ Transfer

1. The Brady firearms prohibition (*See* The Gun Control Act of 1968, [Title 18 U.S.C. §921](#) et seq.) applies only if:
 - a. A JO issues, affirms or modifies an OP after a hearing in which the defendant received actual notice and the defendant had an opportunity to participate, and
 - b. The relationship “intimate partner” test is met. An intimate partner is defined as either: ([18 U.S.C. §921\(a\)\(32\)](#)).
 - i. The spouse or former spouse of the defendant, or
 - ii. An individual who is a parent of a child of the defendant, or
 - iii. An individual who cohabitates or has cohabited with the defendant.

Note: The Arizona relationship test is far broader than the Brady Law relationship “intimate partner” test. (*See* [A.R.S. §13-3601\(A\)](#)).

2. The Brady Law makes it unlawful for defendants to ship, transport, possess or receive firearms or ammunition in interstate or foreign commerce. ([18 U.S.C. §922\(g\)](#)).

If a JO issues or modifies an OP after a hearing in which the defendant received actual notice and the defendant had an opportunity to participate

and the Brady Law “intimate partner” relationship test is satisfied, then the Brady Law prohibitions apply.

Note: In an IAH, the JO may have discretion to prohibit firearms.

If there was no change at the hearing, the Notice to Sheriff of Brady Disqualification should be generated with a copy to the defendant. If the Hearing Order contains a box which can be checked to indicate that Brady applies, the JO may check the box, provide a copy of the hearing order to the defendant, and need not complete a separate Notice to Sheriff.

3. Military and Law Enforcement Personnel Exemption.

The Brady Law exempts military and law enforcement personnel from the firearms and ammunition prohibition, but only while such personnel are on duty. This exemption, however, does not extend to personal weapons which are not used in the course of duty.

Note: Arizona law does not provide any comparable exemption for military and law enforcement personnel. ([A.R.S. §13-3602\(G\)](#)).

4. Procedure

- a. If the JO issues or modifies an order at a hearing at which the defendant received notice and the intimate partner test is met, the JO should indicate Brady applies (Number 10 on current order).
- b. If there is no change in an order at a hearing at which the defendant received notice and the intimate partner test is met, the JO should generate the Notice of Brady Disqualification to the Sheriff with a copy to the defendant.

XI. IMPLICATIONS OF FEDERAL LEGISLATION

The Violent Crime Control and Law Enforcement Act of 1994 also contains other important domestic violence-related provisions. Criminal penalties are imposed upon persons who cross state lines with the intent to engage in conduct that violates a protective order. Persons subject to a court order restraining harassing, stalking or threatening an intimate partner or child are prohibited from receiving firearms. Dissemination of information from national crime information databases to state criminal and civil courts is authorized for use in domestic violence and stalking cases.

The provisions of the Crime Control Act regarding interstate travel and the possession of firearms are of particular interest from the standpoint of federal prosecution. Properly implemented, these provisions may serve to reduce fatalities and serious injuries to domestic violence victims. Standardized forms for protective order cases have been adopted for statewide use by the Arizona Supreme Court. Included in these forms is language necessary to establish the basis of federal prosecution if an order is violated.

A. National Protective Order Database

In response to the various provisions of the Crime Control Act, in May 1997, the FBI initiated a Protective Order File (POF) within the national federal database of criminal records to collect data concerning protective orders.

1. Criteria for entry of data has been developed at the national level and include strict compliance protocols.

In Arizona, DPS administers the database and certain law enforcement agencies have assumed responsibility for entering information from protective orders.

2. The standardized Arizona Supreme Court forms have been structured to capture necessary data entry elements and to present information in a manner that will facilitate data entry.
3. Neither a copy nor the entire text of each protective order will be entered into the NCIC database.

Instead, Protective Order Condition (PCO) codes have been developed for mandatory entry into the POF. These identify by numeric reference the specific terms and conditions imposed by a court in a domestic violence protective order. Using this shorthand reference, law enforcement officers or other system users (including courts) will have knowledge of prohibitions, restrictions or other provisions contained in particular protective orders without needing or having access to the order itself. In order to be entered into POF, the court's protective order forms must be formatted with particular provisions numbered and sequenced to correspond with these codes.

4. The Arizona Supreme Court approved forms use paragraph headings that data entry personnel may match with the codes to avoid the necessity for JOs to list specific PCO code numbers.

The paragraphs in the domestic violence forms match PCO codes which are used by DPS to match particular provisions of protective orders. DPS trains their data entry people using a template of the forms to indicate the matching PCO codes. As such, any alteration of the standardized protective order forms **MUST** receive prior approval from the Administrative Office of the Courts **PRIOR** to the use of the altered form. Otherwise the **WRONG** codes will be entered into the NCIC system.

B. Undocumented Immigrant Victims

VAWA II also clarified protections available to battered immigrant women and their children. ([18 USC §2261](#) and [18 USC §2262](#)).

Battered immigrants and their children need and are entitled to the full protection of the law, including orders of protection, regardless of status. A denial of a protective order would be considered discrimination based on national origin which is specifically prohibited by law.

XII. OFFENDER ACCOUNTABILITY

A Judicial Officer (JO) may contact the Arizona Coalition Against Domestic Violence and/or the Department of Health Services for recommendations for domestic violence offender treatment programs (also known as Batterer Intervention Programs (BIPs)) that are compliant with state standards as well as having demonstrated a practice that prioritizes victim safety, offender accountability and coordination with the court system. An updated listing can be obtained by calling (602) 674-4300 or downloading from the Internet at <http://www.hs.state.az.us/als/forms/dvtx.pdf>

XIII. DOMESTIC VIOLENCE JUDICIAL RESOURCES

For information about current or planned conferences including training on domestic violence and protective orders, contact:

Educational Services Division

Arizona Supreme Court
Judicial Education Center
541 E. Van Buren St.
Phoenix, AZ 85007
(602) 354-1000
<http://www.supreme.state.az.us/ed>

For information about current protective order forms, procedures, CIDVC meetings and issues, contact:

Committee on the Impact of Domestic Violence and the Courts (CIDVC)

Arizona Supreme Court
Court Programs Unit - Domestic Violence Program
1501 W. Washington
Phoenix, Arizona 85007
(602) 542-9607
DV Web site: <http://www.supreme.state.az.us/dr/dv/dv.htm>

For information about funding, grants, judicial training opportunities, Arizona statistical information, upcoming training and conferences, Commission meetings and issues, contact:

**Governor's Office for Children, Youth and Families, Division for Women
Governor's Commission on Violence against Women**

1700 W. Washington, Suite 420
Phoenix, Arizona 85007
(602) 542-1773
<http://www.governor.state.az.us>

For information about training, Arizona Fact Sheets, State Fatality Review List, brochures, training videos, and current policy (also available in Spanish), contact:

Arizona Coalition Against Domestic Violence

100 West Camelback, Suite 109
Phoenix, Arizona 85013
(602) 279-2900
1-(800) 782-6400
<http://www.azcadv.org>

For information on recent national court decisions on domestic violence cases, impact of domestic violence on children, posters, and brochures, contact:

Family Violence Prevention Fund

383 Rhode Island Street
San Francisco, California 94103
(415) 252-8900

<http://www.fvpf.org> or <http://www.endabuse.org>

For national protocols, training, and best practice information for courts in reference to domestic violence, contact:

National Council of Family and Juvenile Court Judges (NCFJCJ)

P.O. Box 8970
Reno, NV 89507
(775) 784-6012
Fax (775) 784-6628

<http://www.ncjfcj.org>

For information and assistance to court leaders, current court related research and other online resources, contact:

National Center for State Courts

300 Newport Avenue
Williamsburg, VA 23185-4147
(800)616-6164
Fax (757)564-2022

<http://www.ncsconline.org>

All court personnel also should be aware of the Crisis Hotline for Domestic Violence, with toll free access at 1-800-786-7380.

APPENDIX A

ARIZONA CODE OF JUDICIAL ADMINISTRATION §5-207 AND MANDATORY PROTECTIVE ORDER FORMS

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 5: Court Operations
Chapter 2: Programs and Standards
Section 5-207: Orders of Protection and Injunctions Against Harassment

The attached forms are adopted for mandatory use by all Arizona courts for matters concerning orders of protection and injunctions against harassment in domestic violence cases. Individual court identification information (name, address and two assigned court identification numbers) shall appear at the top of each form. Courts may make technical formatting changes (for example, number of pages, line and margin spacing and font size), use multi-part, carbonless paper and develop non-English translations. Any other proposed alterations to or deviations from the approved forms, including any text changes, shall be submitted to the administrative director for approval prior to use. The supreme court authorizes the administrative director to approve or modify the forms in response to changes in state or federal laws or procedures and make other necessary administrative amendments or corrections.

The current forms are available at:

http://www.supreme.state.az.us/cidvc/DV_Benchbook/AppendixA.pdf

Adopted by Administrative Order 2001-86, Effective August 9, 2001

Order of Protection and Injunction Guide Sheet - Please Read Carefully

1. **ORDERS OF PROTECTION.** An Order of Protection is used for a “family” relationship between you and the Defendant. This can include a spouse, ex-spouse, past or present live-in, in-law, parent, grandparent, brother, sister, or the parent or parent-to-be of your child. Also, you must state how a crime was threatened or actually committed against you within the last year.
2. **INJUNCTIONS AGAINST HARASSMENT.** For an Injunction, the Defendant is not a “family” member and has committed a series of acts (more than one) of harassment against you in the last year. Also, a “dating” relationship without living together could be a basis for an Injunction. **INJUNCTIONS IN THE WORKPLACE.** This Injunction may be filed by an employer or owner of a business or operation for the benefit of an employee or the business against a single act or series of acts of harassment.
3. **OTHER PERSONS.** If other persons live with you or you have minor children you want on the Petition, be sure to state how they are at risk. Only a Superior Court Judicial Officer can decide child custody or parenting time in a separate action. It is possible that you will be referred to Superior Court if needed where children are involved. If your child is at risk by the Defendant, you may request to have the child listed on the Order.
4. **ONE DEFENDANT.** You must list only ONE Defendant per application. For multiple defendants you will need to file separate petitions. The court may set a hearing prior to issuing the Injunction to better know the facts. This is especially likely in cases involving juvenile defendants or neighborhood issues.
5. **CHANGING THE PAPERS.** Only a Judicial Officer can change or cancel an Order or Injunction. To modify an Order or Injunction, you need to come to court to file for an amendment. Once the Order or Injunction is served, if you change your mind about the need for it, please come back to court to have it canceled (dismissed). If you file an action for maternity, paternity, annulment, legal separation, or dissolution against the Defendant, advise this court at once.
6. **LAW ENFORCEMENT STANDBY.** If you need to get personal belongings from the Defendant, or if Defendant needs to get personal items from you, ask the court about a “standby.” Neither the court nor law enforcement can decide property or title questions about furniture, finances, real estate, etc. For these matters, you may need to file a separate action.
7. **SERVICE AND EFFECT.** An Order or Injunction is valid for one year, nationwide, from the date it is personally served on the Defendant. There is no cost or charge to serve an Order of Protection or Injunction Against Harassment involving a “dating” relationship. There is a cost to serve a regular Injunction or Workplace Injunction. The court will instruct you on how service can be made. The cost to serve Injunctions varies depending on mileage and attempts. If you cannot afford to hire a process server, ask the court about a “deferral” or “waiver.”
8. **FIREARMS.** If you are worried about firearms, there is a box to check on the petition asking the court to prohibit the Defendant from possessing or purchasing firearms or ammunition while the Order/Injunction is in effect.
9. **COUNSELING.** If requested, counseling for the Defendant can be ordered only at a hearing at which you and the Defendant must appear.
10. **OTHER.** If additional space is needed to provide complete information in the Petition, you may continue on additional paper. As a reminder, the information that you provide in your case may be entered into the state computer system or made public on the internet. **A copy of your Petition and Order is given to the Defendant and may be used in future judicial proceedings. The Defendant is entitled to request a hearing at which the Plaintiff must appear.**

Case No. _____

Make sure you PRINT all your information on this form and your actual Petition:

Your Name

(_____)_____

Your Day Time Telephone

Your Address and Any Apt. Number

City, State, ZIP

IMPORTANT, Check below to keep your address off of the papers that are served on the Defendant. Defendant does NOT know where I ☐ live ☐ work. Do NOT show my address to Defendant. If checked, please do not write these addresses on the Petition.

Defendant's Description

Name: _____

Sex Race Birth Date Height Weight Eyes Hair Soc. Sec. No. Driver's License No. & State

--	--	--	--	--	--	--	--	--

COURTS OF ARIZONA - NAME OF COURT Street Address City, Arizona Zip Code Phone Number

Plaintiff (Work Inj. ONLY–Plaintiff Employer)	Defendant	Case No. _____
Date of Birth _____	Address _____	PETITION for [] Order of Protection
(Work Inj. ONLY - Agent's Name)	City, State, Zip Code, Phone _____	[] Injunction Against Harassment [] Workplace Injunction
		NCIC # _____ Ct. # _____

DIRECTIONS: Please read Guide Sheet before filling out this form.

1. Defendant relationship: [] Spouse [] Ex-spouse [] Lived together (now or before) [] Child in common [] Dating (never lived together) [] One of us pregnant by the other [] Parent

[] Other: _____

2. [] If checked, there is a pending action involving maternity, paternity, annulment, legal separation, dissolution, custody, parenting time or support in _____ Superior Court.

Case #: _____ (COUNTY)

3. Have you or the Defendant been charged or arrested for domestic violence OR requested a Protective Order?

[] Yes [] No [] Not sure

If yes or not sure, explain: _____

4. I need a Court Order because: (PRINT both the date(s) and briefly what happened):

Date(s) Describe what happened (Attach additional paper if necessary – Do not write on back)

Case No. _____

5. The following persons should also be on this Order. As stated in number 4, the Defendant is a danger to them:

_____ (/ /)	_____ (/ /)
Birth Date	Birth Date
_____ (/ /)	_____ (/ /)
Birth Date	Birth Date

6. Defendant should be ordered to stay away from these locations, at all times, even when I am not present:

☐ Home _____

☐ Work _____

☐ School / Others _____

7. ☐ If checked, because of the risk of harm, order the defendant NOT to possess firearms or ammunition.

8. ☐ If checked, request an order for the Defendant to participate in domestic violence counseling or other counseling.

9. Other: _____

Under penalty of perjury, I swear or affirm the above statements are true to the best of my knowledge, and I request an Order / Injunction granting relief as allowed by law.

Plaintiff

Attest: _____ /_____/_____
Judicial Officer/ Clerk / Notary Date

COURTS OF ARIZONA - NAME OF COURT	Street Address	City, Arizona	Zip Code	Phone Number
Plaintiff _____	Court Case No. _____	INJUNCTION AGAINST HARASSMENT <input type="checkbox"/> MODIFIED		
Date of Birth _____	Court No., NCIC _____			
-vs- _____	Court No., DPS _____			
Defendant _____				

<p align="center"><u>WARNING TO DEFENDANT</u></p> <p>This is an official Court Order. If you disobey this Order, you may also be arrested and prosecuted for the crime of interfering with judicial proceedings and any other crime you may have committed in disobeying this Order.</p> <p>NOTICE: Only the Court can change this Order. Nothing the Plaintiff does can stop, change, or undo this Order without the Court's approval. You must return to Court to modify (change) or quash (stop) this Order. This Order is effective for one year after original service on you and is valid nationwide. If you disagree with this Order, you may ask for a hearing by filing a written request for hearing with the Court named above. This is not a custody or visitation order. You must file separately for that in Superior Court.</p>

The Court finds reasonable evidence of harassment of the Plaintiff by the Defendant or that great or irreparable harm would result to the Plaintiff if the Injunction is not granted before the Defendant can be heard in opposition, and that there are specific facts attesting to the efforts to give notice to the Defendant or that there are reasons why notice should not be given.

1. **THEREFORE, IT IS ORDERED** that the Defendant not commit an act of harassment (an act that would cause a reasonable person to be seriously alarmed, annoyed or harassed and serves no legitimate purpose) against the Plaintiff and (Names and Dates of Birth): _____

☐ Check if any person listed is a member of Plaintiff's household/family.
2. ☐ The Defendant shall not contact Plaintiff: ☐ in person; ☐ by phone; ☐ in writing; ☐ _____
 The Defendant may contact the Plaintiff through legal counsel, legal process or with permission of the Court.
3. ☐ The Defendant shall not contact persons listed above: ☐ in person; ☐ by phone; ☐ in writing;
☐ _____
4. ☐ The Defendant shall not go on or near where Plaintiff and/or:
☐ Resides (Leave blank if protected): _____
☐ Place of employment (Leave blank if protected): _____
☐ School (Name or Address): _____
☐ Other locations: _____
5. Other Orders necessary for the protection of the Plaintiff and other designated persons: _____

Case No. _____

All violations of this Injunction should be reported to a law enforcement agency, not the Court.

**(JUDICIAL OFFICER: DO NOT USE UNLESS DEFENDANT IS AN INTIMATE PARTNER
AND THIS INJUNCTION IS ISSUED AFTER A HEARING.)**

6. ☐ The Defendant received actual notice of this hearing and had an opportunity to participate.

The Plaintiff or other protected person(s) is an intimate partner, or a child of an intimate partner or of the Defendant. As defined in [18 U.S.C. §921\(a\)](#), "intimate partner" means with respect to a person, the spouse of a person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person.

The Court finds that the Defendant represents a credible threat to the physical safety of the Plaintiff or other protected person and/or may inflict bodily injury or death on the Plaintiff.

- ☐ **BRADY APPLIES:** Upon service of this Injunction, **it is ordered that the Defendant shall not possess, receive and/or purchase firearms or ammunition.**

7. ☐ The court finds that this injunction arises out of a dating relationship, per [A.R.S. §12-1809](#); [A.R.S. §11-445](#) law enforcement officers must serve this Injunction Against Harassment at no cost to the plaintiff.

Judicial Officer

Date

CERTIFICATION

I hereby certify that this is a true copy of the Injunction on file in this Court by: _____
Judicial Officer /Clerk of the Court

DESCRIPTION OF DEFENDANT

SEX	RACE	DATE OF BIRTH	HEIGHT	WEIGHT	EYES	HAIR	SOC. SEC. NO.

ALIAS (if known): _____

Defendant is: ☐ Military ☐ Law Enforcement

COURTS OF ARIZONA - NAME OF COURT	Street Address	City, Arizona	Zip Code	Phone Number
Plaintiff Employer	Court Case No.		INJUNCTION AGAINST WORKPLACE HARASSMENT [] MODIFIED	
Authorized Agent	Court No., NCIC			
-vs-	Court No., DPS			
Defendant				

WARNING TO DEFENDANT

This is an official Court Order. If you disobey this Order, you may also be arrested and prosecuted for the crime of interfering with judicial proceedings and any other crime you may have committed in disobeying this Order.

NOTICE: Only the Court can change this Order. Nothing the Plaintiff does can stop, change, or undo this Order without the Court's approval. You must return to Court to modify (change) or quash (stop) this Order. This Order is effective for one year after original service on you. If you disagree with this Order, you may ask for a hearing by filing a written request for hearing with the Court named above.

The Court finds reasonable evidence of workplace harassment by the Defendant or that good cause exists to believe that great or irreparable harm would result to the employer or other person who enters the employer's property or who is performing official work duties or if the Injunction is not granted before the Defendant or Defendant's attorney can be heard in opposition, and that there are specific facts attesting to the efforts to give notice to the Defendant or that there are reasons why notice should not be given.

1. **THEREFORE, IT IS ORDERED** that the Defendant not come on or near the employer's property or place of business:

(Name and Address of Employer)

2. The Defendant shall not contact Plaintiff Employer: [] in person; [] by phone; [] in writing; [] _____

The Defendant may contact the Plaintiff through legal counsel, legal process or with permission of the Court.

3. [] The Defendant shall not contact person(s) listed below while the person is on or at the employer's property or place of business or is performing official work duties: [] in person; [] by phone; [] in writing; [] _____

Case No. _____

Name and Work Address if different than listed above	Name and Work Address if different than listed above
Name:	Name:
Work Address:	Work Address:
Name:	Name:
Work Address:	Work Address:
Name:	Name:
Work Address:	Work Address:

4. Other Orders necessary for the protection of the Plaintiff and other designated persons:

All violations of this Injunction should be reported to a law enforcement agency, not the Court.

Judicial Officer

Date

CERTIFICATION

I hereby certify that this is a true copy of the Injunction on file in this Court by: _____

Judicial Officer or Clerk of the Court

DESCRIPTION OF DEFENDANT

SEX	RACE	DATE OF BIRTH	HEIGHT	WEIGHT	EYES	HAIR	SOC. SEC. NO.

ALIAS (if known): _____

Defendant is: ☐ Military ☐ Law Enforcement

Effective: August 2001

Injunction Against Workplace Harassment: A.R.S. §12-1810(F), (G), (H), (N)

COURTS OF ARIZONA - NAME OF Court Street Address City, Arizona Zip Code Phone Number

Plaintiff	Court Case No.	ORDER OF PROTECTION <input type="checkbox"/> MODIFIED
Date of Birth -VS-	Court No., NCIC	
Defendant	Court No., DPS	

WARNING TO DEFENDANT

This is an official Court Order. If you disobey this Order, you may also be arrested and prosecuted for the crime of interfering with judicial proceedings and any other crime you may have committed in disobeying this Order.

NOTICE: Only the Court can change this Order. Nothing the Plaintiff does can stop, change, or undo this Order without the Court's approval. You must return to Court to modify (change) or quash (stop) this Order. If you disagree with this Order, you may ask for a hearing by filing a written request for hearing with the Court named above. This Order is effective for one year after original service on you and is valid nationwide.

NOTICE TO PARTIES

This is not a custody or visitation Order. You can only file for custody or visitation as a Title 25 action in Superior Court. All violations of this Order should be reported to a law enforcement agency, not the Court. Either party should notify this Court if an action for dissolution (divorce), separation, annulment or paternity/maternity is filed.

The Court finds reasonable cause to believe that the Defendant may commit an act of domestic violence or has committed an act of domestic violence within the past year (or good cause exists to consider a longer period

1. **IT IS THEREFORE ORDERED** that the Defendant not: commit a dangerous crime against children defined in [A.R.S. 13-604.01](#) or custodial interference, or engage in conduct that would place the Plaintiff in reasonable fear of bodily injury; or threaten, intimidate, endanger, assault, unlawfully imprison, kidnap, harass, stalk, trespass upon or damage the property of, or commit any other disorderly conduct upon the Plaintiff and (Names and Dates of Birth):

☐ Check if any person listed is a member of Plaintiff's household/family.

2. ☐ The Defendant shall not contact Plaintiff: ☐ in person; ☐ by phone; ☐ in writing;
☐ Other _____

The Defendant may contact the Plaintiff through legal counsel, legal process or with permission of the Court.

3. ☐ The Defendant shall not contact persons listed above: ☐ in person; ☐ by phone; ☐ in writing;
☐ Other _____

You can file an action for custody or visitation separately in Superior Court.

4. ☐ The Court finds that physical harm may otherwise result and, therefore, the Plaintiff is granted the exclusive use and possession of the residence at: _____

(Address)

Case No. _____

The Defendant may return once with a law enforcement officer to obtain belongings.

5. ☐ Defendant shall not go on or near where Plaintiff and/or _____
☐ Reside(s) (Leave blank if protected): _____
☐ Place of employment (Leave blank if protected): _____
☐ School (Name or Address): _____
☐ Other Locations: _____

6. ☐ The Court finds that the Defendant represents a credible threat to the physical safety of the Plaintiff or other protected person and/or may inflict bodily injury or death on the Plaintiff. Upon service of this Order: The Defendant shall not possess, receive and/or purchase firearms or ☐ ammunition. The Defendant shall transfer firearms immediately, but no later than 24 hours after service, to the following law enforcement agency: _____

7. ☐ The Defendant received actual notice of this hearing and had an opportunity to participate. The Defendant shall complete ☐ an approved domestic violence offender treatment program, ☐ or a screening and any recommended program, at the following agency: _____ and provide the Court with written proof of completion no later than _____.

8. ☐ Other Orders necessary for the protection of the Plaintiff and other designated persons: _____

9. ☐ The Defendant shall appear for a hearing: Date and Time: _____

Address of Court: Street Address, City, Office/Room/Floor (Put individual court information here)

WARNING: IF YOU FAIL TO APPEAR, AN ORDER MAY BE ISSUED WITHOUT YOUR INPUT.

10. ☐ The Defendant received actual notice of this hearing and had an opportunity to participate. The Plaintiff or other protected person(s) is an intimate partner, as defined by [18 U.S.C. 921\(a\)](#), or a child of an intimate partner or of the Defendant.

☐ **BRADY applies**

Judicial Officer

Date

CERTIFICATION

I hereby certify that this is a true copy of the Order on file in this Court.

Judicial Officer or Clerk of the Court by: _____

DESCRIPTION OF DEFENDANT

SEX	RACE	DATE OF BIRTH	HEIGHT	WEIGHT	EYES	HAIR	SOC. SEC. NO.

ALIAS (if known): _____

Defendant is: ☐ Military ☐ Law Enforcement

COURTS OF ARIZONA - NAME OF COURT Street Address City, Arizona Zip Code Phone Number

_____ Plaintiff and Date of Birth -vs- _____ Defendant	_____ Case No. (Assigned by Sheriff)	EMERGENCY ORDER OF PROTECTION AND CERTIFICATE OF SERVICE
--	--	---

The undersigned peace officer, upon the Plaintiff's request and having reasonable grounds to believe that the Plaintiff is in immediate and present danger of domestic violence based on an allegation of a recent incident of actual domestic violence, and having stated those grounds to a judicial officer authorized to issue Emergency Orders of Protection, and that judicial officer having found that the Plaintiff's life or health is in imminent danger and having authorized the issuance of this Emergency Order of Protection,

IT IS THEREFORE ORDERED that the Defendant not: commit a dangerous crime against children as defined in [A.R.S. 13-604.01](#) or custodial interference, or engage in conduct that would place the Plaintiff in reasonable fear of bodily injury; or threaten, intimidate, endanger, assault, unlawfully imprison, kidnap, harass, stalk, trespass upon or damage the property of, or commit any other disorderly conduct upon the Plaintiff; or use, attempt to use or threaten to use physical force that would reasonably be expected to cause bodily injury to the Plaintiff and (Names and Dates of Birth): _____

- ☐ The Defendant shall not contact or come near the residence, place of employment or school of the Plaintiff or of other persons listed above.
- ☐ The Court finds that physical harm may otherwise result and, therefore, the Plaintiff is granted the exclusive use and possession of the parties' residence.
- ☐ The Court finds that the Defendant may inflict bodily injury or death on the Plaintiff and, therefore, the Defendant is prohibited from possessing or purchasing a firearm for the duration of this Order.

Case No. _____

WARNING

This is an official Court Order. If you disobey this Order, you may be arrested and prosecuted for the crime of interfering with judicial proceedings and any other crime you may have committed in disobeying this Order. This is a Court Order and cannot be waived by either party. This Order is effective until the close of the next day of judicial business following the day the Order was issued (unless the Order is continued by a judicial officer) and is valid nationwide.

Order issued by: _____ (Check one) ☐ Superior Court, County: _____
Judicial Officer ☐ Magistrate Court, City: _____
☐ Justice Court, Precinct: _____

Date: _____

WARNING: ORDER EXPIRES ON: _____ AT 5:00 p.m.
(DAY, DATE)

CERTIFICATE OF SERVICE

The undersigned, being first duly qualified by law certifies that the Defendant was served with a copy of the Emergency Order of Protection on _____, (Year) _____ at (time) _____ a.m./p.m. at (address) _____

Officer, Agency and Identification Number.

COURTS OF ARIZONA - NAME OF COURT Street Address City, Arizona Zip Code Phone Number

Plaintiff	Court Case No.	ACCEPTANCE OF SERVICE
Date of Birth -vs-	Court No., NCIC	
Defendant	Court No., DPS	

I, _____, Defendant, hereby accept service of a copy of the:

- ☐ Petition and Order of Protection
- ☐ Petition and Injunction Against Harassment
- ☐ Petition and Injunction Against Workplace Harassment
- ☐ Notice of Hearing

issued on the ____ day of _____, ____ (Year).

DATED this ____ day of _____, ____ (Year).

Defendant

COURTS OF ARIZONA - NAME OF COURT Street Address City, Arizona Zip Code Phone Number

Plaintiff _____	Court Case No. _____	CERTIFICATE OF SERVICE
Date of Birth _____ -vs-	Court No., NCIC _____	
Defendant _____	Court No., DPS _____	

USE THIS FORM ONLY IF YOU ARE A PERSON AUTHORIZED UNDER A.R.C.P. 4 TO SERVE LEGAL PAPERS.

STATE OF ARIZONA) ss
COUNTY OF _____)

The undersigned, being first duly qualified by law, swears or certifies that the following was served:

- ☐ Copy of the Petition and Order of Protection
- ☐ Copy of the Petition and Injunction Against Harassment
- ☐ Copy of the Petition and Injunction Against Workplace Harassment
- ☐ Notice of Hearing

upon ☐ Plaintiff ☐ Defendant on _____, _____ at ____ a.m. / p.m.
(Date) (Year) (Time)

(address)

Person Serving Process

☐ Registered Process Server (MUST BE NOTARIZED)

☐ Peace Officer (NEED NOT BE NOTARIZED)

Office or agency and identification number of Peace Officer

Case No. _____

SUBSCRIBED AND SWORN to before me this _____ day of _____, _____.

(Year)_____ My

commission expires: _____

Notary Public

Charges: Services \$___ Mileage \$ ___ Fees Paid \$ ___ Notary Fees \$___ TOTAL \$

SEX	RACE	DATE OF BIRTH	HEIGHT	WEIGHT	EYES	HAIR	SOC. SEC. NO.

Defendant **ALIAS:** _____ Military _____ Law Enforcement_____

**IN ACCORDANCE WITH [A.R.S. §12-1809](#) AND [A.R.S. §13-3602](#), THIS CERTIFICATE OF SERVICE
MUST BE PROMPTLY FILED WITH THE CLERK OF THE ISSUING COURT NAMED ABOVE.**

COURTS OF ARIZONA - NAME OF COURT Street Address City, Arizona Zip Code Phone Number

Plaintiff _____ -vs- Defendant _____		REQUEST: <input type="checkbox"/> HEARING <input type="checkbox"/> DISMISS ORDER <input type="checkbox"/> CANCEL HEARING AND ORDER <input type="checkbox"/> CONTINUANCE
Court Case No. _____		

- ☐ Defendant requests:
- ☐ that a hearing be set on an Order of Protection with exclusive use of the home issued on _____ (Date).
(Hearing must be set within 5 days from the date of request.)
 - ☐ that a hearing be set on an Order of Protection issued on _____.
(Hearing must be set within 10 days from date of request.) (Date)
 - ☐ that a hearing be set on an Injunction Against Harassment issued on _____.
(Hearing must be set within 10 days from date of request.) (Date)
 - ☐ that a hearing be set on an Injunction Against Workplace Harassment issued on _____.
(Hearing must be set within 10 days from date of request.) (Date)
 - ☐ that the hearing previously requested by me on the Order or Injunction be canceled.
 - ☐ that the scheduled hearing on _____ be continued.
(Date)
- ☐ Plaintiff requests:
- ☐ the Order of Protection issued on _____ be dismissed.
(Date)
 - ☐ the Injunction Against Harassment issued on _____ be dismissed.
(Date)
 - ☐ the Injunction Against Workplace Harassment issued on _____ be dismissed.
(Date)
 - ☐ that the hearing set prior to the issuance on the Order or Injunction be canceled.
 - ☐ that the scheduled hearing on _____ be continued.
(Date)

Effective: August 2001

Hearing Request: A.R.S. §13-3602(I); A.R.S. §12-1809(H); A.R.S. §12-1810(G)

Case No. _____

List the reasons for your request: _____

Date: _____ Requesting Person's Signature: _____

CERTIFICATE OF TRANSMITTAL

Copy mailed/delivered to Plaintiff on: _____ by _____

Copy mailed/delivered to Defendant on: _____ by _____

COURTS OF ARIZONA - NAME OF COURT Street Address City, Arizona Zip Code Phone Number

Plaintiff _____ -vs- Defendant _____	_____ Court Case No.	NOTICE OF HEARING PRIOR TO [] ORDER OF PROTECTION [] INJUNCTION AGAINST HARASSMENT [] INJUNCTION AGAINST WORKPLACE HARASSMENT
--	-------------------------	---

A verified petition for an Order of Protection, Injunction Against Harassment or Injunction Against Workplace Harassment has been filed with this Court. This matter has been set for hearing at the above listed Court:

Division

Date

Time

At this hearing, the Plaintiff and Defendant will be permitted to present evidence to the Court.

WARNING TO THE DEFENDANT:

IF YOU FAIL TO ATTEND THIS HEARING, AN INJUNCTION OR ORDER MAY BE ISSUED AGAINST YOU IN ACCORDANCE WITH THE RELIEF REQUESTED IN THE PLAINTIFF'S PETITION.

Judicial Officer/Clerk Date

CERTIFICATE OF TRANSMITTAL

Copy mailed/delivered to Plaintiff on: _____ By: _____

Copy mailed/delivered to Defendant on: _____ By: _____

Effective: August 2001

Notice of Hearing: A.R.S. §13-3602(I); A.R.S. §12-1809(H); A.R.S. §12-1810(G); A.R.C.P. 4(b)

Case No. _____

DEFENDANT'S ADDRESS:

Home

Work

DESCRIPTION OF DEFENDANT

SEX	RACE	DATE OF BIRTH	HEIGHT	WEIGHT	EYES	HAIR	SOC. SEC. NO.

ALIAS (if known): _____

Defendant is: ☐ Military ☐ Law Enforcement

COURTS OF ARIZONA - NAME OF COURT Street Address City, Arizona Zip Code Phone Number

Plaintiff -vs- Defendant	Court Case No.	HEARING ORDER REGARDING: <input type="checkbox"/> Order of Protection <input type="checkbox"/> Injunction Against Harassment <input type="checkbox"/> Injunction Against Workplace Harassment
--------------------------------	----------------	--

1. ☐ The requested relief is denied. Date request filed and nature of relief: _____.

2. ☐ A hearing having been requested, the Court having determined that a hearing is necessary or a request having been made to continue the hearing:
 This matter is set for hearing on the _____ day of _____, _____ (Year),
 _____ a.m./p.m., in Courtroom _____, at _____,
 at which time the parties are to present the court with testimony and evidence on the issue of whether the Court should continue, revoke or modify the Order of Protection, Injunction Against Harassment, or Injunction Against Workplace Harassment.

3. ☐ The hearing previously set for _____ is canceled. Reason: _____
 (Date)

4. ☐ On motion of the Plaintiff, the Order of Protection, Injunction Against Harassment, or Injunction Against Workplace Harassment issued on _____ is dismissed.
 (Date)

5. ☐ **At time of hearing:** Plaintiff: ☐ Appeared or ☐ Failed to Appear
 Defendant: ☐ Appeared or ☐ Failed to Appear
 Plaintiff: ☐ Had Notice of the Hearing
 Defendant: ☐ Had Notice of the Hearing
 - A. ☐ The hearing previously set is canceled. Reason: _____.

 - B. ☐ The Order of Protection, Injunction Against Harassment, or Injunction Against Workplace Harassment previously issued on _____ by this Court is dismissed.
 (Date)

 - C. ☐ The Order of Protection, Injunction Against Harassment, or Injunction Against Workplace Harassment issued on _____ remains in effect.
 (Date)

 - D. ☐ The Order of Protection, Injunction Against Harassment, or Injunction Against Workplace Harassment issued on _____ was modified, a modified Order/Injunction was issued. (Date)

6. ☐ **BRADY applies.**

Date: _____

Judicial Officer: _____

Case No. _____

CERTIFICATE OF TRANSMITTAL

Copy mailed/delivered to Plaintiff on: _____ by _____

Copy mailed/delivered to Defendant on: _____ by _____

Copy mailed/delivered to Sheriff on: _____ by _____

COURTS OF ARIZONA - NAME OF COURT Street Address City, Arizona Zip Code Phone Number

Plaintiff	Case No.	NOTICE TO SHERIFF OF BRADY DISQUALIFICATION
Date of Birth -vs-	Court No., NCIC	
Defendant	Court No., DPS	

Notice is hereby given to the Sheriff of this County that the Order of Protection ("protection order") issued in the above-referenced case on (date) _____ meets the criteria established in the Violent Crime Control and Law Enforcement Act of 1994 ([18 U.S.C. §§922\(d\)](#)) and (g)) and should be assigned a positive Brady Record Indicator in the Protection Order File of the National Crime Information Center database.

The Defendant is disqualified from purchasing or possessing a firearm or ammunition based upon the following:

1. The protection order was issued or affirmed after a hearing of which the Defendant received actual notice and at which the Defendant had an opportunity to participate.
2. The Defendant is a person subject to a protection order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child. As defined in [18 U.S.C. §921\(a\)](#), "intimate partner" means with respect to a person, the spouse of a person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person.
3. The protection order includes a finding that the Defendant represents a credible threat to the physical safety of such intimate partner or child; or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

The protection order issued by this Court remains in full force and effect and was not modified at the hearing held.

Judicial Officer

Date

COURTS OF ARIZONA - NAME OF COURT Street Address City, Arizona Zip Code Phone Number

Plaintiff/Petitioner -vs- Defendant	Court Case No.	TRANSFER ORDER
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An action for dissolution of marriage (divorce), annulment, legal separation, maternity, or paternity is pending in the Superior Court in _____ County, Arizona in case number _____.

THEREFORE, IT IS ORDERED, pursuant to A.[R.S. 13-3602](#), that all papers, together with a certified copy of docket entries or any other record in this action, be transferred to the Superior Court identified above.

- [] Notwithstanding any other law and unless prohibited by an order of the superior court, a municipal court or justice court may hold a hearing on all matters relating to its ex parte order of protection if the hearing was requested before receiving written notice of the pending superior court action.
- [] The address of the Plaintiff has been protected by this Court.

Dated this _____ day of _____, _____ (Year).

Judicial Officer

FOR USE BY LIMITED JURISDICTION COURT ONLY

The file was transferred to Superior Court on this date: _____.

By: _____
Clerk of the Court

APPENDIX B

ARIZONA CODE OF JUDICIAL ADMINISTRATION §5-206: FEE WAIVER AND DEFERRAL PROCEDURES AND FORMS

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Part 5: Court Operations

Chapter 2: Programs and Standards

Section 5-206: Fee Deferrals and Waivers

A. Definitions. The following definitions apply to this section:

“Applicant” means a person who asserts the condition of being unable to pay court fees and costs and requests a deferral or waiver of that obligation.

“Application” means a request for deferral or waiver at any point before the end of a case.

“Arizona Department of Corrections (ADOC) inmate” means an incarcerated felon confined to a facility operated by Arizona State Department of Corrections.

“Day” means calendar day including holidays and weekends.

“Deferral” means “either postponement of an obligation to pay fees or establishment of a schedule for payment of fees” as provided in [A.R.S. §12-302](#) (M)(1).

“Fees and costs”, as provided in [A.R.S. §12-302](#) (H), means:

1. Filing fees.
2. Fees for issuance of either a summons or subpoena.
3. Fees for obtaining one certified copy of a temporary order in a domestic relations case.
4. Fees for obtaining one certified copy of a final order, judgment or decree in all civil proceedings.
5. Sheriff, marshal, constable and law enforcement fees for service of process if any of the following applies:
 - a. The applicant established by affidavit that the applicant has attempted without success to obtain voluntary acceptance of service of process.
 - b. The applicant’s attempt to obtain voluntary acceptance of service of process would be futile or dangerous.
 - c. An order of protection or an injunction against harassment in favor of the applicant and against the party sought to be served exists and is enforceable.
6. The fee for service by publication if service is required by law and if the applicant establishes by affidavit specific facts to show that the applicant has exercised due diligence in attempting to locate the person to be served and has been unable to do so.

7. Court reporter' s fees for the preparation of court transcripts if the court reporter is employed by the court.

8. Appeal preparation and filing fees at all levels of appeal and photocopy fees for the preparation of the record on appeal pursuant to section A [R.S. §12-119.01](#), A [R.S. §12-120.31](#) and A [R.S. §12-2107](#) and section A [R.S. §12-284](#), subsection A.

“Further deferral” means “the establishment of a schedule for payment of fees” as provided in A [R.S. §12-302](#) (M)(2).

“Non-ADOC inmate” means an incarcerated felon confined to facilities in Arizona other than operated by the Arizona State Department of Corrections or to a facility outside of Arizona.

“Permanently unable to pay” means “the applicant' s income and liquid assets are insufficient or barely sufficient to meet the daily essentials of life and the income and liquid assets are unlikely to change in the foreseeable future” as provided in A [R.S. §12-302](#) (D).

“Postponed fees” means the applicant has been ordered to pay fees due at the end of the case according to an established schedule of payments.

“Special commissioner” means a person appointed by the presiding judge to determine an applicant' s eligibility for a deferral or waiver.

“Supplemental application” means the form used to request waiver or further deferral at the conclusion of a case.

“Waiver” means the applicant is not required to pay the fees unless the applicant' s financial circumstances have changed during the action.

B. Purpose. The purpose of this section is to provide access to the courts for litigants unable to pay court fees and costs and to establish, standardize and maintain uniform procedures and forms in accordance with A [R.S. §12-302](#).

C. Administration and Adoption of Forms. The Administrative Office of the Courts (AOC) shall adopt forms and procedures for deferrals and waivers of court fees. Courts shall make these forms available for use by the public at no cost. Courts may exercise discretion regarding technical formatting of forms (for example, number of pages, line and margin spacing, and font size); use multi-part, carbonless paper; and develop non-English translations. Courts shall submit any other proposed alteration to or deviation from the forms as adopted, including any change in wording, to the administrative director for approval prior to use. The administrative director is authorized to approve requested modifications that are consistent with statutes and court rules and to approve revisions to reflect changes in laws, court rules or procedures and to make other administrative amendments or corrections as necessary.

D. Applications.

1. Applications shall be in writing on the approved forms except that in limited jurisdiction courts the applicant may make an application by verbal avowal in open court. The court shall deny incomplete applications. The court shall issue a written order on every application.

2. As provided by A.[R.S. §12-302\(F\)](#):

At the time an applicant signs and submits the application for deferral to the court, the applicant shall acknowledge under oath and sign a consent to judgment. By signing the consent to judgment, the applicant consents to judgment being entered against the applicant for all fees and costs that are deferred and that remain unpaid after thirty calendar days following the entry of final judgment or order.

E. Financial Criteria.

1. Statutory Eligibility. As provided in A.[R.S. §12-302\(C\)](#), the court shall grant an application for deferral of fees and costs if the applicant establishes by affidavit, including supporting documentation, that the applicant either:

a. Is receiving benefits pursuant to one or more of the following programs:

(1) The temporary assistance for needy families program established by section 403 of title 4 of the social security act as it exists after August 21, 1996.

(2) The food stamp program (7 United States Code sections 2011 through 2029).

(3) The general assistance program pursuant to title 46, chapter 2, article 2.

b. Is receiving benefits pursuant to the supplemental security income program (42 United States Code sections 1381 through 1385).

c. Has an income that is insufficient or barely sufficient to meet the daily essentials of life and that includes no allotment that could be budgeted for the fees and costs that are required to gain access to the court. In considering insufficient income pursuant to this paragraph, the court may consider the following as evidence of insufficient income:

(1) The applicant has a gross income that as computed on a monthly basis is 150% or less of the current poverty level established by the United States department

(2) The applicant's income is considered to be sufficient, but the applicant provides proof of extraordinary expenses, including medical expenses, costs of care for elderly or disabled family members or other expenses that are deemed extraordinary, that reduce the applicant's gross monthly income to at or below 150% of the current poverty level established by the United States department of health and human services. Gross monthly income includes the applicant's share of community property income.

2. Other Assets. The court shall consider assets other than cash listed on the financial questionnaire as a basis for possible further inquiry regarding an applicant's income and not as the sole determinant for denial of deferral or waiver. The court shall consider the applicant's income, expenses, and family circumstances in determining whether cash assets are available for the required fees.

F. Financial Eligibility for Deferral. The court shall grant a deferral if the applicant meets the financial criteria set forth in A.R.S. [§12-302\(E\)\(1\)](#). A deferral of fees may be granted for applicants who do not meet these financial criteria, but who demonstrate other good cause for deferral.

G. Financial Eligibility for Waiver. The court shall grant a waiver if the court finds that the applicant is permanently unable to pay.

H. Deferral and Waivers Orders. If the applicant meets the criteria for deferral or waiver, orders for deferral or waiver may include all fees but at a minimum shall include those described in A.R.S. 12-302(H)(1)-(4). Deferrals or waivers described in A.R.S. §12-302(H)(5)-(8) may require additional applications if not deferred or waived at the time of the initial application.

I. County-Paid Fees.

1. Service of Process Fees. As provided in A.R.S. [§12-302\(H\)\(5\)](#), the county shall pay sheriff, marshal, constable or law enforcement's service of process fees if the applicant meets the financial eligibility requirements for deferral or waiver, and any of the following apply:

- (a) The applicant established by affidavit that the applicant has attempted without success to obtain voluntary acceptance of service of process.
- (b) The applicant's attempt to obtain voluntary acceptance of service of process would be futile or dangerous.
- (c) An order of protection or an injunction against harassment in favor of the applicant and against the party sought to be served exists and is enforceable.

2. Service of Publication Fees. As provided in A.R.S. [§12-302\(H\)](#) "an applicant who has been granted a deferral shall reimburse the court for the fees and costs in paragraphs 6 and 7 of this subsection." As provided in A.R.S. [§12-302\(H\)\(6\)](#), the county shall pay the "fee for service by publication if service is required by law and if the applicant establishes by affidavit specific facts to show that the applicant has exercised due diligence in attempting to locate the person to be served and has been unable to do so."

3. Court Reporter's Fees. As provided in A.R.S. [§12-302\(H\)](#), "an applicant who has been granted a deferral shall reimburse the court for the fees and costs in paragraphs 6 and 7 of this subsection." As provided in A.R.S. [§12-302\(H\)\(7\)](#), the county shall pay the "court reporter's fees for the preparation of court transcripts if the court reporter is employed by the court."

J. Decision Review before the End of a Case. The applicant may ask the special commissioner to reconsider the decision to deny a deferral or waiver, if the applicant does not agree with the decision. After reconsideration, the applicant may request that a judge review the special commissioner's decision by filing a request for hearing within twenty days of the day the denial order was mailed or delivered to the applicant. The court shall schedule the review hearing as soon as reasonably possible.

K. Notice of Postponed Court Fees Due. The court shall notify the applicant if the applicant's payment of fees was postponed. The court shall send the notice as soon as practicable after entry

of final judgment, order or decree by the trial court or by the appellate court mandate. The notice shall advise the applicant to pay postponed fees or file a supplemental application in accordance with [A.R.S. §12-302\(M\)](#) or the court may enter a judgment by consent. The notice shall also state the total amount of postponed fees due and the actual date that the balance is due. Payment is due thirty days after the notice is mailed or delivered to the applicant.

L. Supplemental Applications. At the conclusion of a case, an applicant may submit a supplemental application for either further deferral or waiver of court fees. The court shall issue a written order. The court shall establish a payment schedule if further deferral is granted. The court may enter a consent judgment unless exceptions of entry of consent judgment apply as described in [A.R.S. §12 302\(P\)\(2\)](#).

M. Waiver of Financial Eligibility at the Conclusion of a Case. To qualify for a waiver at the conclusion of a case, the applicant shall submit a supplemental application. The court may waive only previously postponed fees that remain unpaid. If the applicant does not qualify for a waiver when the supplemental application is made, the court may grant a further deferral for good cause shown.

N. Supplemental Application Decision Review; Collection Procedures. As provided in [A.R.S. §12-302\(F\)\(4\)](#), “the applicant may request a hearing within twenty days if the supplemental application is denied, or granted and a payment schedule set.” The court shall not institute collection procedures until the hearing is held.

O. Consent Judgment.

1. Entry of Consent Judgment. The court may enter a consent judgment against the applicant for all deferred fees that remain unpaid 30 days following the entry of final judgment unless one of the following conditions applies, as provided in [A.R.S. §12-302\(F\)](#):

- a. The applicant has an established schedule of payment in effect and is current with payments.
- b. A supplemental application for further deferral or waiver has been filed and is pending.
- c. In response to a supplemental application, the court orders that the fees and costs be further deferred or waived.
- d. Within twenty days of the date the court denies the supplemental application, the applicant either pays the fees or requests a hearing on the court’s final order denying further deferral or waiver. If the applicant requests a hearing, the court shall not enter the consent judgment unless a hearing is held, further deferral or waiver is denied and payment has not been made within the time prescribed by the court.

2. Impact of Appeal on Consent Judgment. The court shall not enter a consent judgment for unpaid deferred fees until 30 days after the appeals process is concluded.

3. Satisfaction of Consent Judgment. If a consent judgment is recorded and the applicant pays the fees in full, the court is required to comply with the provisions of [A.R.S. §33-964\(C\)](#):

A judgment of the justice court, municipal court, superior court or United States court which has become a lien under this article, shall, immediately on the payment or satisfaction of the judgment, be discharged of record by the judgment creditor or the judgment creditor's attorney by recording a satisfaction of judgment with the county recorder of the county in which the judgment is recorded. The judgment creditor or the judgment creditor's attorney shall enter a notation of satisfaction on the docket of the clerk of the superior court of each county where the judgment has been entered or docketed, and in a like manner enter a notation of satisfaction on the docket of the clerk of the United States district court.

P. Judgments Regarding Taxable Costs. The court shall include deferred court fees that remain unpaid and any expenses paid by the county in the judgment. The party who is assessed the fees shall pay them to the clerk of the court.

Q. Change in Financial Condition. As provided in [A.R.S. §12-302\(G\)](#):

An applicant who is granted a deferral or waiver, or a party to the action who knows of any change in the financial circumstances, shall promptly notify the court of the change in applicant's financial circumstances during the pendency of the case that affects the applicant's ability to pay court fees and costs. If, within ten days after notice and a hearing, the court determines that the applicant's financial circumstances have changed and that the applicant no longer meets the eligibility criteria of this section, the court shall order the applicant to pay the deferred or waived fees and costs.

The court may establish a payment schedule for good cause shown,. The court may inquire concerning the applicant's financial circumstances whenever the applicant appears in court in the case.

R. Judicial Discretion. As provided in [A.R.S. §12-302\(L\)](#), "this section does not limit the court's discretion in deferring, waiving or ordering the county to pay any fees and costs as may be necessary and appropriated." Examples of other necessary and appropriate fees include: multiple subpoenas or summonses, local law enforcement service of process fees, costs of a bond on appeal, and cost of a certified copy of child support history.

S. Cases Filed by Inmates.

1. ADOC Inmates. As provided by [A.R.S. §12-302\(E\)](#):

Except in cases of a dissolution of marriage, legal separation, annulment or establishment, enforcement or modification of child support, and notwithstanding subsection A of this section or chapter 9, article 4 of this title, if the applicant is an inmate who is confined to a correctional facility operated by the state department of correction and who initiates a civil action or proceeding, the inmate is responsible for the full payment of actual court fees and costs. On filing a civil action or proceeding, the clerk of the court shall assess and, when monies exist, collect as a partial payment of any court

fees and costs required by law a first time payment of twenty per cent. Thereafter, the state department of corrections shall withhold twenty per cent of all deposits into the prisoner's spendable account administered by the department until the actual court fees and costs are collected in full.

However, in cases of dissolution of marriage, legal separation, annulment or establishment, enforcement or modification of child support, inmates may use the application process provided in this section.

2. ADOC Inmates Awaiting Transportation to ADOC Facilities or Non-ADOC Inmates. As provided in A.[R.S. §12-302\(K\)](#):

A waiver of court fees or costs shall not be granted for civil actions other than cases of dissolution of marriage, legal separation, annulment or establishment, enforcement or modification of child support that are filed by persons who at the time of filing the application are incarcerated as a result of a felony conviction in an out-of-state correctional facility or in a jail waiting to be transported to a state department of corrections facility. These inmates are eligible to apply for deferrals.

T. Cases Ineligible for Deferrals or Waivers. As provided by A.[R.S. §12-302\(K\)](#):

A waiver of court fees or costs shall not be granted for:

1. Matters that are filed as class actions pursuant to rule 23 of the Arizona rules of civil procedure.
2. Civil actions other than cases of dissolution of marriage, legal separation, annulment or establishment, enforcement or modification of child support that are filed by persons who at the time of filing application are incarcerated as a result of a felony conviction in an out-of-state correctional facility or in a jail waiting to be transported to a state department of corrections facility.

U. Nonpayment of Court Fees. The court shall not withhold entry of final judgment for nonpayment of deferred court fees.

V. Deferrals or Waivers for Cases on Appeal. The lower court's deferral or waiver remains in effect unless there is a change in the applicant's financial circumstances if the case is appealed. The appellate court may require an applicant to submit a new application for a deferral or waiver.

W. Fees Eligible for Exemption. As provided in A.[R.S. §25-355](#), a person who demonstrates indigence by any of the criteria prescribed in A.[R.S. §12-302](#) is exempt from the educational programs established in A.[R.S. §25-352](#).

Adopted by Administrative Order 2002-31 effective April 11, 2002.

CODE SECTION AND FEE FORMS AS FOLLOWS:

- APPLICATION FOR DEFERRAL OF COURT FEES AND/OR COSTS & CONSENT TO ENTRY OF JUDGMENT
- ORDER REGARDING DEFERRAL OF COURT FEES AND/OR COSTS & NOTICE REGARDING CONSENT JUDGMENT
- APPLICATION FOR DEFERRAL OR WAIVER OF COURT FEES FOR ORDERS OF PROTECTION & INJUNCTIONS AGAINST HARASSMENT AND CONSENT TO ENTRY OF JUDGMENT
- ORDER REGARDING WAIVER OF FEES FOR ORDERS OF PROTECTION OR INJUNCTIONS AGAINST HARASSMENT

APPENDIX C

ISSUANCE SCRIPT and CHECKLIST AND HEARING SCRIPT

ORDER OF PROTECTION - EX PARTE ISSUANCE HEARING SCRIPT

A. Swearing In: (use one of the following):

1. On the record, the Judicial Officer shall announce the parties' names and case number.

"This is cause number _____, plaintiff _____ versus defendant _____."

2. Verification (use one of the following):

- a. If the plaintiff has not yet signed the verification, either the Judicial Officer or the deputy clerk of court says to the plaintiff,

"Do you understand that, by signing this petition, you are swearing or affirming that the contents of this petition are true and correct, to the best of your knowledge?"

- b. Plaintiff must sign the petition.

- c. The Judicial Officer or deputy clerk of court signs below plaintiff's signature after plaintiff provides proof of identity.

3. The Judicial Officer or deputy clerk swears in the plaintiff prior to taking their testimony at the ex parte hearing.

"Do you swear (or affirm) that you will tell the truth, the whole truth and nothing but the truth?"

B. Petition Review: Review the petition to determine that it contains information necessary to support the issuance of a protective order. Based on that review, determine whether further questioning is needed, as follows:

1. If the petition appears to be clear and complete, proceed to the Issuance section.
2. If the petition is vague or incomplete, ask questions relevant to the issues in question, such as:
 - a. "How is the defendant related to you?"¹
 - b. "Is there an action currently pending in Superior Court?"²
 - c. "What crime did the defendant commit and when?"³

1 Relationship (marriage or former marriage, living together or lived together, parents, grandparents, children, grandchildren, step-parents, step-children, brothers and sisters-in-law, related by blood or Court order, child has a relationship with the defendant: resides or has resided in the same home and is related by blood to the former spouse or partner of the defendant or to a person who resides or has resided in the same household as the defendant.).

2 If Superior Court action pending, refer plaintiff to Superior Court.

[Consider only acts which occurred in the past 12 months unless good cause exists to consider a longer period.]

- d. [If no acts of domestic violence have occurred,] “why do you believe that you need an order of protection?”

3. Other Protected Party Issues: Other persons- not children:

- a. “How are you related to the person for whom you are requesting the protective order? Is the defendant related to this person?”
- b. “What did the defendant do to them and when?”
- c. [If you do not include the other party, depending on the circumstances,]
“These other adults or family members may have to obtain their own order or injunction against harassment.”

4. Other Protected Party Issues: Children:

- a. “Are you the parent, adoptive parent or legal guardian of the child(ren)?”
[If the guardian] “Do you have an order appointing you as guardian?”
- b. “Is this child (Are these children) related to the defendant?”⁴
- c. “Were the defendant’s children involved or in danger of harm?”
- d. “What did the defendant do to them and when?”

C. Issuance of Order: Consider the requests by the plaintiff when determining the terms of the Order. You are not bound by the plaintiff’s requests in setting appropriate terms. You may begin by stating the following findings aloud or you may rely on their appearance in the order.

- 1. “Based upon the evidence presented, the Court finds reasonable cause to believe that the defendant may commit an act of domestic violence or has committed an act of domestic violence within the last year.”
- 2. “I am granting the request for an order of protection and entering the following orders:”
 - a. Contact
 - i. “I am ordering that the defendant not commit any new crimes

³ Domestic violence crime and within one year or good cause to consider longer period.

⁴ If minor child(ren) has no legal relationship with the defendant, the Judicial Officer may include child(ren) to be protected based on the plaintiff’s danger.

against you.”

- ii. “I am ordering that the defendant not contact the plaintiff in the following ways: (e.g. in person, by phone, in writing, via third party, etc.)”⁵

b. If including other persons or children:

- i. “I am ordering that the defendant not commit any new crimes against persons listed in the order.”
- ii. “I am ordering that the defendant not contact the persons listed in the order in person, by phone, in writing or other as applies to the individual order.”

3. If plaintiff requests exclusive use of the parties’ residence:

- a. “Whose property is this?”
- b. [If the plaintiff informs the Judicial Officer that they are renting the residence]
 - i. “Is your name on the lease?”
 - ii. “Do you understand that this order is not good against third parties such as landlords? I can keep the defendant out, but I cannot force the owner to allow you to have the premises. You may want to contact the owner/landlord to advise them of the situation.”
- c. [If the Judicial Officer grants exclusive use of the residence] “The Court finds that physical harm may otherwise result and, therefore, I am giving you exclusive use of the residence.”
- d. [If the Judicial Officer determines that the defendant may return to retrieve personal belongings] “The defendant can return once with law enforcement to obtain personal belongings. Law enforcement will not stand by for hours while debates occur about furniture or televisions. This is merely to obtain personal belongings like clothes and work tools. You may want to gather those things up for the defendant in order to speed up this process.”⁶

4. If plaintiff did not request exclusive use:

- a. “Does the defendant know where you live?” [If yes, list the address and

5 Consider not prohibiting writing. It may be the only feasible way to allow contact between the parties to resolve issues. Consider not prohibiting contact through third parties to allow issues to be resolved.

6 If the plaintiff indicates plaintiff is leaving, you may give plaintiff exclusive use for a period of time to collect belongings.

verify with plaintiff.]

- b. “I am ordering that the defendant not go where you live, but I am not going to write your address in the order. I am not going to give the defendant this information.”⁷

5. If plaintiff requests protection for other locations:

- a. [If plaintiff asked for their place of employment to be included in the Order] “Does the defendant know where you work?”
 - i. [If yes,] “I am ordering that the defendant stay away from your work.” [Write in workplace and address and verify with plaintiff.]
 - ii. [If no,] “I am ordering the defendant to stay away from your work, but I am not going to write the address in the order. I am not going to give the defendant this information.”
 - iii. “Does the defendant work for the same employer or at the same location as you?” [If so, instead of listing that location as a prohibited place, the Judicial Officer may elect to include a minimum distance limitation or a “do not approach the plaintiff” instruction as part of the order.]
- b. [If the plaintiff asked for the school to be included in the Order] “Does the defendant know where (you/the child/children) go to school?”
 - i. [If yes,] “I am ordering that the defendant stay away from the school.” [Write in school and address and verify with plaintiff.]
 - ii. [If no,] “I am ordering the defendant to stay away from the school, but I am not going to write the address in the order. I am not going to give the defendant this information.”
- c. [If the plaintiff asked for other locations to be included in the Order]
 - i. “Why do you want this location (these locations) included?” [Write in location and address and verify with plaintiff.]
 - ii. [Consider whether to include in the Order any public or private places requested by the plaintiff. The Judicial Officer may use a minimum distance limitation or a “do-not-approach the plaintiff” instruction instead of naming a specific location in the Order.]

6. Firearms:

⁷ A.R.S. §13-3602 provides that if the address of the plaintiff is unknown to the defendant, the plaintiff may request that the address be protected.

- a. “Does the defendant possess or have access to firearms?”
 - b. “Has the defendant ever threatened you with a firearm?”
 - c. “Has the defendant ever threatened you with any other type of weapon (including body parts used as a weapon such as: hand - punching; foot - kicking; head - head-butting, etc)?”
 - d. “Has the defendant ever threatened your physical safety or the safety of your relatives, friends or pets?”
 - e. [If the Judicial Officer prohibits the possession and purchase of firearms:]
 - i. “The court finds that the defendant is a credible threat to your physical safety or other persons named on the order.”
 - ii. “I am ordering that the defendant not possess or purchase a firearm for the duration of the order and transfer any firearms owned or possessed by the defendant to (name of law enforcement agency), within 24 hours after service of this order.”
7. Counseling: If counseling is requested on the petition:
- a. “I cannot order counseling until after a hearing at which the defendant has appeared. If the defendant requests a hearing, you may raise the issue of counseling at that hearing.”
 - b. “Do you want me to set this for a hearing?”
8. Other Conditions:
- a. “I am also including:” (other terms found to be appropriate).
 - b. [This is where the “do not approach” conditions or distance limitations are usually written in the Order. However, law enforcement may not enforce an order if the defendant is one foot beyond the stated distance or seated in the same building, but not approaching, the victim.]
 - i. Example: The order states that the defendant is ordered to stay 100 feet away from the plaintiff. If the defendant is 101 feet away, then law enforcement may not find that the defendant violated the order. Generally, if the order states “defendant is ordered to stay a minimum of 100 feet away from the plaintiff,” then law enforcement may find that the defendant violated the order.
 - ii. Example: The plaintiff is eating in a restaurant, and the defendant

enters the same restaurant. If the defendant does not physically approach the plaintiff, then law enforcement may not find that the defendant violated the order.

D. Plaintiff Advisories

1. Duration of the Order:

- a. “This order is not in effect until served. The order can be served by law enforcement or a process server and must be served within a year of issuance.”
- b. “Once served, it is valid for one year.”
- c. [Explain service in your jurisdiction.]
- d. “If any of the information in this protective order changes, you must request a modified Order to reflect the new information.”

2. Issues for Superior Court:

- a. “The OP is not a substitute for a dissolution of marriage or paternity action. Custody, parenting time, child support, payment of bills or dividing of property must be determined in superior court.”
- b. “In order to resolve those issues you must file an action in superior court.”

3. Plaintiff’s Copy:

- a. “You will receive one copy of your petition and the order of protection. Keep a copy of this order with you at all times. Make extra copies.”
- b. “If the defendant appears and has not been served, call the police and they can use your copy to serve the defendant, so that the order will then be in effect.”

4. Hearing:

- a. “The defendant has a right to request one hearing any time while the order is in effect. If you move or change your telephone number, be sure to notify the court. This applies even if your address is protected.”
- b. “If the defendant requests a hearing, the court will attempt to notify you at your last known address and phone number.”
- c. “If the defendant appears for the hearing and you are not present, the order will be dismissed.”

5. Violations:

- a. “Once the order is served, it is a crime to violate this order.”
 - b. “Always notify the police if you believe the defendant has violated this order in any way. Call the police wherever the violation occurs. For example, if you work in Phoenix and the defendant contacts you at work, call the Phoenix Police Department. If you live in Scottsdale and the defendant contacts you at home, call the Scottsdale Police Department.”
6. Safety:
- a. “The OP does not guarantee your safety. You should take steps to keep you and your family safe.”
 - b. “You should give a copy of the order of protection to all of the entities listed in the order, including your landlord, employer, school, daycare, etc.”
 - c. “Here is a list of domestic violence agencies that may be able to provide further assistance.”⁸
 - d. “Also, here is a safety plan.⁹ Look it over when you are alone and have time to think about its contents. Not all of this information may apply. You can discuss this plan with one of the local agencies whose phone number I am providing today.”
 - e. “Do you have any questions?”

⁸ See Appendix I for statewide domestic violence resources.

⁹ See Appendix H for sample Safety Plan.

ORDER OF PROTECTION - ISSUANCE CHECKLIST

A. Swearing In

The Judicial Officer should ensure that one of the following procedures occurs:

1. The Judicial Officer receives a verified petition and an authorized person has sworn in the plaintiff, prior to the ex parte hearing, or
2. The Judicial Officer receives a verified petition and the Juridical Officer swears in the plaintiff, prior to the ex parte hearing, or
3. The Judicial Officer asks the plaintiff sufficient questions to establish the identity of the plaintiff and then watches the plaintiff sign the petition.

B. Reviewing OP Petitions

Review petition to determine that it contains information necessary to support the issuance of a protective order.

1. The name of the plaintiff and any specifically designated persons, and
2. The name, address and birth date (or approximate date of birth) of the defendant.
3. Specific details, including dates, regarding the acts of domestic violence alleged, and

Note: If the defendant committed a criminal act(s), the dates of violation and conviction, the name of the court, the offense(s) charged, specific details of the charge(s) and the disposition of the offense(s).

4. The relationship between the parties¹⁰ and whether there is a pending action for annulment, legal separation or dissolution of marriage, and

Note: If there is such an action, the Judicial Officers should ask the plaintiff to provide the name of the court, the type of action and the case number.

5. Whether there is a prior or pending proceeding or OP between the parties and, if so, the name of the court and case number, and
6. The desired relief.

Determine whether the plaintiff was sworn at the front counter or whether the plaintiff must be sworn in while in the courtroom.

Meet with plaintiff; it is inappropriate to sign an order based on the written petition alone.

¹⁰ That is, the plaintiff and any specifically designated persons.

Hear petitions involving a threat to personal safety as expeditiously as possible.
Intersperse with shorter matters and/or interrupt longer matters.

Inquire whether the plaintiff wants to exercise the right to keep the plaintiff's address protected from disclosure.

C. Issuance of Order

When issuing an OP, the Judicial Officer is not limited by the plaintiff's desired relief. To issue an OP, the Judicial Officer must review the petition, any other pleadings on file and any evidence offered by the plaintiff.

1. After review, if the Judicial Officer finds reasonable cause to believe that the defendant may commit an act of domestic violence or that the defendant has committed an act of domestic violence within the past year or within a longer time if the Judicial Officer finds that good cause exists to consider a longer period of time, then the Judicial Officer may issue the OP without further hearing.
2. After review, if the Judicial Officer does not find reasonable cause, the Judicial Officer may deny the plaintiff's requested relief or the Judicial Officer may schedule a further hearing within 10 days, with reasonable notice to the defendant.

Note: When a hearing is set prior to issuance of an order, the plaintiff will get copies of the petition and hearing notice for service on the defendant, as well as their copy of the petition and hearing notice. The hearing should be set between 5 and 10 working days (does not include weekends and holidays) from the date of the filing of the petition.

3. If the Judicial Officer issues an OP, the Judicial Officer may do any of the following:
 - a. Committing offenses. Enjoin the defendant from committing a violation of one or more of the offenses included in domestic violence offenses.
 - b. Parties' Residence. Grant one party the use and exclusive possession of the parties' residence.
 - i. The Judicial Officer may allow the other party, on one occasion, to return to the residence, accompanied by a law enforcement officer, and retrieve personal belongings.

Note: In deciding to allow the defendant to return as opposed to a friend or family member, the Judicial Officer should consider the impact on the plaintiff if the defendant returns to the residence against the defendant's need to retrieve personal belongings like clothes and work tools. The Judicial Officer should explain to the parties that this process should not last for more than 20 to 30 minutes.

- ii. If the Judicial Officer does not grant the plaintiff the use and exclusive possession of the residence, then the Judicial Officer should inquire about whether or not the need exists to protect the plaintiff's personal information e.g. address, telephone number, etc.

Note: The Judicial Officer should discuss with the plaintiff the choice of listing addresses then unknown to the defendant (e.g. work, school, etc.) to ensure defendant has notice of the prohibited locations versus maintaining the secrecy of these locations by not listing exact addresses and instead using minimum distance language (e.g. "defendant shall not go within 1/4 mile of plaintiff's residence, work, etc.)

- c. Restrain. Upon a showing that there is reasonable cause to believe that physical harm may otherwise result, restrain the defendant from contacting the plaintiff or other specifically designated persons and from coming near the residence, place of employment or school of the plaintiff or other specifically designated locations or persons.
- d. Children. Do not include a "no contact" provision for children of married or previously married persons unless you believe that harm may result to the child or you determine that the alleged acts of domestic violence involve the child. Do not include contact with plaintiff for the purposes of parenting time. Parenting time arrangements should be made through a neutral third party at a neutral location. Do not require the defendant to pick up or drop off the child at the plaintiff's home and do not require the plaintiff to meet the defendant to drop off or pick up the child.
- e. Weapons. If the Judicial Officer finds that the defendant is a credible threat to the physical safety of the plaintiff or other specifically designated persons, the Judicial Officer may prohibit the defendant from the possessing or purchasing a firearm for the duration of the OP. If the Judicial Officer prohibits the defendant from possessing a firearm, the Judicial Officer shall also order the defendant, immediately after service of the OP, to transfer any firearms owned or possessed by the defendant to the appropriate law enforcement agency within 24 hours after service of the OP.
- f. Counseling. If the OP is issued after notice and a hearing at which the defendant had an opportunity to participate, require the defendant to complete a domestic violence offender treatment program that is provided by a facility that is approved by the Department of Health Services or a probation department.
- g. Other Relief. Grant other relief necessary for the protection of the plaintiff and other specifically designated persons.

D. Advice to Plaintiff

The Judicial Officer should advise the plaintiff about the following:

1. Understanding the OP. The Judicial Officer should insure that the plaintiff understands the contents of the OP.
2. Copy of OP to Plaintiff. The Judicial Officer should insure that the plaintiff receives a copy of the OP and understands the plaintiff may make copies of the OP and provide them to neighbor(s), school(s), employer(s), landlord, etc. The plaintiff should keep two copies of the OP with plaintiff at all times (the plaintiff could keep copies in a purse, car, drawer at work, etc.)

NOTE: If the defendant approaches the plaintiff before the defendant is served, the plaintiff can call a law enforcement officer to respond and serve the plaintiff's copy of the OP on the defendant.

3. Duration of OP. The OP is not effective until served. Once served, the OP is valid for one year.
4. Service. A law enforcement agency can serve the OP, free of charge, or the plaintiff may choose to hire a private process server.
5. OP Not Substitute for Dissolution of Marriage Issues. If the plaintiff has concerns about dissolution of marriage, including child custody, child support and parenting time issues, or paternity or maternity, then the plaintiff must file an action in Superior Court. The Judicial Officer should insure that the plaintiff is aware of services provided by the Superior Court Self Help Center, Community Legal Services, domestic violence shelter advisors, the local county bar association referral services, etc.
6. Defendant's Right to Hearing. The defendant has a right to a hearing any time the OP is in effect. The plaintiff needs to insure that the Court file reflects plaintiff's current phone number and address so that Court can notify the plaintiff if a hearing is scheduled. If the plaintiff demonstrates a safety need, a law enforcement officer can be present at the hearing. If the plaintiff had notice of the hearing, does not appear at the hearing, and a continuance was not granted the Judicial Officer may dismiss the OP.
7. If Defendant Violates Order. It is a crime for the defendant to violate an OP. If a violation occurs, the plaintiff should report the violation to a law enforcement agency in the geographical area of the violation, not the court.
8. Safety. The OP is a piece of paper. The OP does not substitute for the plaintiff using common sense to insure the plaintiff's safety, that is, the plaintiff must still use the plaintiff's eyes and ears and be aware of the plaintiff's surroundings.

- a. The judicial officer or the courtroom staff should make every effort to provide an information sheet on emergency and counseling services that are available and a safety plan to the plaintiff.
- b. Ensure that the plaintiff knows how to locate a domestic violence shelter for assistance.

ORDER OF PROTECTION - HEARING SCRIPT

- A. This is the time set for a hearing on the order of protection petition in _____ vs. _____, Case No. _____.
- B. Is _____ [plaintiff] present? Are you ready to proceed? [If plaintiff's counsel is present, have them state their appearance for the record.]
- C. Is _____ [defendant] present? Are you ready to proceed? [If defendant's counsel is present, have them state their appearance for the record.]
- D. Have the parties and any witnesses been sworn in? If not, the Judicial Officer or deputy clerk of court asks all parties and potential witnesses
- “Do you swear (or affirm) that you will tell the truth, the whole truth and nothing but the truth (so help you, God)?”
- E. First, I wish to narrow the issues of the hearing, if possible. _____ [defendant or defense attorney], you have requested this hearing. The court's authority in this case is to dissolve the order, keep the order in place as written, or modify the order. What is it that you are asking the court to do with the order?
- F. [Determine for the defendant (defense attorney) what the defendant opposes.]
1. If the defendant is asking for a modification of the order, determine whether the defendant is challenging the conditions requested in the petition or the conditions set by the order. If the defendant is challenging the conditions in the petition, explain the difference between the petition and the order and that the conditions in the order are the ones that the defendant must follow. If the defendant is not challenging the conditions of the order, state the basis for the order and conclude the hearing.
 2. If the defendant does not oppose the order, but wants to challenge some allegations in the petition, explain the difference between the order and the petition. Describe the conditions in the order and determine whether the defendant is challenging the conditions of the order. If the defendant is not challenging the conditions in the order, state the basis for the order and conclude the hearing.
 3. If the defendant opposes the petition and order, proceed with the hearing.
- G. [Explain how the hearing is structured and the guidelines for behavior.]

The hearing will proceed as follows: because the plaintiff has the burden to establish why the petition should remain in effect, the plaintiff will tell me what happened and why the petition should remain in effect. Then the defendant will have the opportunity to ask the plaintiff questions about the plaintiff's testimony. Then the plaintiff will have the opportunity to tell me any additional facts made relevant by the defendant's questions. If the plaintiff has any witnesses, they can tell what they know relevant to the issues, and

the defendant has the opportunity to ask the witness(es) questions.

The defendant is not required to testify or provide evidence. If he does testify, the defendant will have the opportunity to tell me about the facts and why the order should be dismissed. The plaintiff will have the opportunity to ask questions about the defendant's testimony. The defendant will have the opportunity to tell me any additional facts made relevant by the plaintiff's questions. Then the defendant will have the opportunity to present any witnesses.

- H. Either party or the Judicial Officer may invoke the rule of exclusion of witnesses. [If invoked]

"At this time, I am going to ask all the witness (except the parties) to have a seat outside the courtroom. You will be called in individually when it is your turn to testify."

- I. State your name, spelling your last name for the record.

What is your relationship to the defendant?

Tell me what the defendant did when this occurred and why you think the order should remain in effect.

[Following the plaintiff's testimony]

_____, do you have any questions for the plaintiff related to (her/his) testimony?

[Following cross-examination, if any.]

_____, are there any other facts you want to tell me?

- J. [Ask the plaintiff if they have any witnesses to present.]

- K. After the plaintiff presents evidence, the Judicial Officer may determine that the plaintiff has not met their burden of proof and that dismissal is appropriate. The Judicial Officer may then make a finding,

"The plaintiff has not proven by a preponderance of the evidence that the defendant has committed acts of domestic violence within the past year (or that good cause exists to consider acts that occurred more than a year ago) or that the defendant may commit an act of domestic violence. Therefore, the order is dismissed and the hearing is concluded."

- L. If the plaintiff has provided a preponderance of evidence, the defendant may testify or provide evidence.

State your name, spelling your last name for the record.

What is your relationship to the plaintiff?

Tell me what happened and why you think the order should be dismissed.

[Following defendant's testimony]

_____, do you have any questions for the defendant related to (her/his) testimony?

[Following cross-examination, if any.]

_____, are there any other facts you want to tell me?

M. [Ask the defendant if he or she has witnesses to present.]

N. [Ask the plaintiff if he or she has rebuttal evidence to present.]

O. 1. [If grounds to keep order in effect.]

The Court finds by a preponderance of evidence that the defendant may commit an act of domestic violence or has committed an act of domestic violence within the last year. Therefore, the Court holds that the order of protection shall remain in effect.

[If the Court leaves the order in place, without modification, the Judicial Officer shall complete a form entitled "Notice to Sheriff of Brady Disqualification" (see Appendix A for form) if all of the following criteria apply to this order of protection:

- a. The defendant had actual notice of the hearing, and;
- b. The defendant had an opportunity to appear and present evidence at the hearing on the order of protection, and;
- c. The defendant is related to the plaintiff in one of the following ways:
 - i. Spouse or former spouse, or;
 - ii. Intimate partners who live together now or in the past, or;
 - iii. Parents of a child in common.

2. [If grounds to amend the order.]

The Court finds by a preponderance of evidence that the defendant may commit an act of domestic violence or has committed an act of domestic violence within the last year. Therefore, the Court holds that the order of protection shall remain in effect, modified as follows: _____.

[The Judicial Officer shall note on the modified order of protection that the federal Brady disqualification applies by marking the box in Paragraph 10 on the

order of protection. The Judicial Officer shall mark Paragraph 10 if all of the following criteria apply to the modified order of protection:

- a. The defendant had actual notice of hearing, and;
- b. The defendant had an opportunity to appear and present evidence at the hearing on the order of protection, and;
- c. The defendant is related to the plaintiff in one of the following ways:
 - i. Spouse or former spouse, or;
 - ii. Intimate partners who live together now or in the past, or;
 - iii. Parents of a child in common.

If the Judicial Officer has marked the box on Paragraph 10 of the modified order of protection, it is not necessary to complete the Notice to Sheriff described above.

When preparing the modified order of protection the Judicial Officer must remember to mark the box at the top of the order labeled “Modified.” The Judicial Officer cannot simply state on the record what modifications were made. A new, modified order must be prepared.

[Consider whether to require domestic violence counseling as part of the modified order. Counseling can only be required after a hearing. Provide the defendant with a copy of the modified order, have the defendant sign the acceptance of service form, and explain that the order remains in effect for one year after the original order was served.]

3. [If the Court determines that the order should be dismissed.]

Based upon the evidence presented, the Court cannot conclude by a preponderance of evidence that the defendant may commit an act of domestic violence or has committed an act of domestic violence within the last year. Therefore, the order of protection is dismissed.

[Note - if the order is dismissed, the Judicial Officer may want to advise the parties that dissolving the order does not mean that the resumption of contact is appropriate or desirable and that, if there were trouble in the future, either party could return to court and request a protective order, if appropriate.]

- P. [Within the limitations of your courthouse security system, consider the safety of the parties in the courthouse and parking lot. Whether the order remains, is modified, or is dismissed, consider having the parties leave the courtroom separately, For example, have the plaintiff leave and have the defendant wait five minutes and then leave. If available, the judicial Officer may contact law enforcement assigned to the court and request that

they escort the plaintiff to their vehicle.]

APPENDIX D

COMMONLY ASKED QUESTIONS BY PLAINTIFFS

COMMONLY ASKED QUESTIONS BY PLAINTIFFS

Q. WHO CAN GET AN ORDER OF PROTECTION?

An OP may be issued against a spouse, an ex-spouse, a person with whom you have or are expecting a child with, a person who lives or has lived with you, or a relative by blood (parent, grandparent, child, grandchild, brother or sister), or court order (adopted child) or marriage (parent-in-law, grandparent-in-law, step-child, step-grandchild, brother-in-law or sister-in-law), or a child who has a relationship with the defendant, who has committed or may commit an act of Domestic Violence.

Q. WHAT IS AN ACT OF DOMESTIC VIOLENCE?

Domestic Violence is an act that the defendant has or may commit, including the following: physical assault, threatening words or conduct, harassment by phone and in person, stalking, endangerment, unlawful imprisonment, kidnapping, criminal trespass, criminal damage, disorderly conduct, disobeying a court order, custodial interference, and certain crimes against children.

Q. WHERE DO YOU GET AN ORDER OF PROTECTION OR INJUNCTION AGAINST HARASSMENT?

Any Court in Arizona can issue an Order of Protection or Injunction Against Harassment.

If you have filed for paternity, maternity, annulment, legal separation or dissolution of marriage (divorce) against the person from whom you need protection, the petition for a protective order must be filed in the Superior Court.

Only the Superior Court can make decisions affecting child custody or parenting time. Custody and parenting time decisions must be addressed in a separate action in Superior Court.

Q. WHAT SHOULD BE INCLUDED IN THE PETITION FOR AN ORDER OF PROTECTION?

The petition should state the reason for the request with specific acts which have occurred within the past year. The acts, threats or injuries you received, the dates they occurred, any prior Domestic Violence charges filed, whether any past or current Orders of Protection have been issued, whether the defendant possesses or has access to firearms and whether the defendant is currently in custody are important facts for the Judicial Officer to know. For the Order to be served, you must also provide an accurate physical description of the defendant.

Q. MUST THE PETITION INCLUDE SPECIFIC ADDRESSES?

Your home, work and other address may be kept confidential if the defendant does not know them, although a mailing address must be given to the Court so you can be notified of future hearings. If you have this information, you should provide a valid home or work address where the defendant can be found, so the Order entered by the Judicial Officer can be served. If the defendant is in jail, the Order may be served there.

Q. WHAT IF I MOVE OR CHANGE MY TELEPHONE NUMBER?

Call the Court to advise of any new address or phone number. You may need to be contacted if the defendant requests a hearing. Otherwise, if a hearing is set and you do not appear, the Order will be dismissed.

Q. WHAT IF I DO NOT KNOW WHERE THE DEFENDANT IS?

You will receive a copy of the Order of Protection or Injunction Against Harassment. Keep that paper with you at all times. If the defendant appears, call the police or sheriff and they will use your copy to serve the papers so the Order will become effective.

Q. WHAT WILL HAPPEN WHEN I COME TO COURT?

You must complete the attached Petition for the Order of Protection. A Judicial Officer will review your Petition, hear your sworn testimony and any other important evidence. The Judicial Officer will decide whether your Order will be issued immediately or whether a hearing will be set.

Q. WHAT CAN THE JUDICIAL OFFICER ORDER?

An Order of Protection can direct a defendant to have no contact of any sort with you anywhere. "Contact" may include telephone calls, letters, email, messages through third persons, visits to or near your residence, place of employment or personal contact. The Judicial Officer can also decide whether the defendant must leave a residence shared by you and the defendant. Finally, if the Judicial Officer finds that serious physical injury could occur, the defendant may be ordered not to possess firearms while the Order is in effect.

Q. WHAT WILL THE JUDICIAL OFFICER NOT ORDER IN AN ORDER OF PROTECTION OR INJUNCTION AGAINST HARASSMENT?

A Judicial Officer will NOT decide issues of child custody, parenting time or support payments. A Judicial Officer will NOT divide marital or jointly-owned property. A Judicial Officer will NOT decide guilt or innocence in a pending criminal charge against a plaintiff or a defendant.

Q. MAY MY CHILDREN BE INCLUDED FOR PROTECTION IN AN ORDER OF PROTECTION OR INJUNCTION AGAINST HARASSMENT?

A Judicial Officer may order a defendant not to have contact with a child if there is a reasonable belief that harm may result or the child was involved in acts of domestic violence. The Judicial Officer may include any of your children if the defendant has no legal relationship with them.

Q. CAN THE DEFENDANT HAVE PARENTING TIME WITH THE CHILDREN IF THE ORDER SAYS STAY AWAY FROM MY HOUSE?

If the children are not included in the Order, the defendant can still see children by making arrangements through a NEUTRAL third party, such as a friend or relative. Superior Court has the final say as to how and when parenting time is to occur.

Q. MAY OTHERS BE INCLUDED FOR PROTECTION IN AN ORDER?

A Judicial Officer may order a defendant not to have contact with other persons (such as relatives, friends or a babysitter). Depending on the circumstances, the court may require these other persons to get their own protection order.

Q. WHAT IF I CAN'T AFFORD TO PAY FOR FEES?

There is NO fee for filing a petition for an Order of Protection or an Injunction Against Harassment. Note: There is also no fee for service of an Order of Protection or an Injunction Against Harassment arising from a dating relationship. If you cannot pay the service fee for the Injunction Against Harassment, you may request an extension or a waiver of this fee. A separate form is required to file for these requests.

Q. WHAT HAPPENS AFTER THE ORDER IS SERVED?

An OP/IAH is effective for one year after the defendant receives it from a Process Server or Law Enforcement Officer. A defendant is entitled to a hearing on any OP/IAH issued by the Court. If a hearing is requested, you will be notified of the court date. Your failure to appear at the court date may result in a dismissal of the OP/IAH. If the defendant violates any part of the OP/IAH after it has been served, you should call the local Police Department or County Sheriff's Office immediately. Violation of a protective order is a criminal act, and the defendant may be arrested.

Q. WILL I HAVE TO SEE THE DEFENDANT?

You will only need to see the defendant if a hearing is requested and held.

Q. WHAT HAPPENS AT A HEARING?

You will need to present your testimony, any exhibits or other witnesses to show the Judicial Officer why the Order should remain in effect. It is your responsibility to present information that justifies the Order.

Q. WHEN IS THE ORDER IN EFFECT AND FOR HOW LONG?

It is in effect once it is served/given to the defendant by a private process server, a law enforcement officer, or a constable. An Order remains in effect for one year from the date it is served.

Q. SHOULD I TELL ANYONE THAT THE ORDER OR INJUNCTION WAS ISSUED?

Yes. Security at your place of employment should be given a copy of the Order or Injunction along with a picture of the defendant. Also, a neighbor should be given a copy. If the children are included, notify the school official.

Q. WHAT IF I LIVE IN AN APARTMENT? CAN THE MANAGER SAY THAT THE DEFENDANT IS THE ONE WHO STAYS AT THE PROPERTY INSTEAD OF ME?

No, however, the Order or Injunction is only good between the parties. It cannot make a landlord allow you to remain at the property, but the Court can order the defendant out of the residence.

Q. CAN THE ORDER PROTECT MY PROPERTY EVEN IF I AM NOT THERE?

Yes. A protective order may prevent the defendant from coming on or near certain property. If the defendant appears on or near the property, anyone, like a relative or apartment manager or security, can call the police to report the violation. Remember, the protective order is a piece of paper. You must take steps for your safety and the security of your property.

APPENDIX E

COMMONLY ASKED QUESTIONS BY DEFENDANTS

COMMONLY ASKED QUESTIONS BY DEFENDANTS

Q. WHAT IF I DISAGREE WITH AN ORDER OF PROTECTION OR INJUNCTION AGAINST HARASSMENT ISSUED AGAINST ME?

You have a right to one hearing in the Court that issued the Order of Protection or Injunction Against Harassment against you. At that time, the Judicial Officer will hear the reasons for the Order and your evidence as to why it should be dismissed.

Q. WHEN IS THE ORDER IN EFFECT AND FOR HOW LONG?

It is in effect once it is served/given to you by a private process server, a law enforcement officer, or a constable. An Order remains in effect for one year from the date it is served.

Q. I HAVE BEEN ORDERED TO STAY AWAY FROM MY HOUSE. HOW DO I COLLECT MY BELONGINGS?

If you need to get personal belongings or clothing, a Judicial Officer may allow you to return to the residence one time. If authorized by the Judicial Officer, you must have a law enforcement officer accompany you to the residence. You should contact the local Police Department or County Sheriff's Office to make an appointment. The law enforcement officer cannot resolve disputes regarding what property belongs to which person. However, if you don't get all of your belongings in the one trip, you may file a civil action to recover property in the residence that you believe is wrongfully denied to you.

Q. HOW LONG MUST I STAY AWAY FROM MY HOUSE?

If the order is issued, it is effective for one year from the date it is served. You are entitled to request a hearing at any time during the year in which the Order is in effect. If the Order involves exclusive use of the home, you are entitled to have your hearing within 5 business days. If the Order remains in effect after the hearing, you must stay away from the property for the full one year period.

Q. I HAVE BEEN ORDERED TO SURRENDER MY GUNS. WHO DO I GIVE THEM TO, AND WHEN CAN I GET THEM BACK?

A Judicial Officer may order a defendant to turn over firearms on an ex parte Order if the Judicial Officer finds that the defendant is a credible threat to the physical safety of the plaintiff. If such an order is issued, you should immediately turn over all firearms in your possession to the local Police Department or County Sheriff's Office at the main stations or any substation at the time of service or within 24 hours. At the end of the year (when the Order expires) you may request the return of your firearms from the law enforcement agency that is holding them.

Q. THERE IS AN ACTION FILED IN SUPERIOR COURT FOR PATERNITY, MATERNITY, ANNULMENT, LEGAL SEPARATION OR DISSOLUTION OF MARRIAGE (DIVORCE), IN WHICH COURT SHOULD I OBJECT TO THIS ORDER?

You may request a hearing in the court that granted the order. If the order was issued by a city, municipal or justice court, then you must notify this court that there is an action filed in the Superior Court. If exclusive use of your residence is involved in the order, the city, municipal or justice court may hold a hearing before transferring the case to the Superior Court.

Q. WHAT HAPPENS AT A HEARING?

You will need to present your testimony, any exhibits or other witnesses to show the Judicial Officer why the Order or Injunction should not remain in effect.

Q. WHAT CAN I DO IF I BELIEVE THIS ORDER STOPS ME FROM SEEING MY CHILDREN?

If you believe that your rights of parenting time or custody have been taken away by the issuance of an OP, you may:

Arrange for parenting time or custody through someone who is not the person who obtained the order against you.

Ask for a hearing in the Court that issued the order against you.

Ask the Superior Court, as part of a domestic relations case, to clarify your rights of parenting time or custody if you believe that the order ignores or violates those rights.

Q. I WAS NEVER MARRIED TO THE PERSON WHO OBTAINED AN ORDER AGAINST ME AND WE HAVE CHILDREN IN COMMON. HOW DO I SEE MY KIDS?

If you have never established paternity through marriage or an action in the Superior Court, you have no legal right to the children. The order issued against you cannot grant you rights of parenting time or custody. These rights must be obtained in the Superior Court as a domestic relations matter. A person who obtains an order against you may voluntarily agree to parenting time through a third person, but it is not required.

APPENDIX F

SAMPLE SAFETY PLAN Adult and Children

The facts

If you answered yes to any of these questions, you may be in an abusive relationship. Now may be the time to think about ways to make yourself safer.

When someone with whom you have an intimate relationship uses physical violence, threats, emotional abuse, harassment or stalking to control your behavior, they are committing domestic violence.

During a Violent Outburst

For additional assistance concerning your safety, call a local shelter to discuss and develop a safety plan. In the meantime, these tips may help you. If you are in an argument...

- . leave/stay away from the kitchen or other rooms with weapons.
- . stay out of rooms without exits, like the bathroom or a closet.
- . if possible get to a room with an exit and/or a phone.
- . develop a code word or signal for friends, children and neighbors to call the police.
- . call 9-1-1 or the local emergency number.
- . teach your child to call 9-1-1.
- . use your instincts.

Have a protective order ?

For added safety, you can program 9-1-1 (or the local emergency number) into the autodial on your phone. If you have a

protective order . . .

- . always keep at least one copy with you at all times.
- . if your abuser violates the order call 9-1-1 or your local emergency number (you have the right to ask that a police report be filed).
- . give a copy of the order and a picture of the defendant to Security at your job or school.
- . if the children are included on the order, give a copy of the order to their school, daycare or babysitter.

If you plan to leave

Call 1-800-799-7739 (in the 602 area code) 1-800-352-3792 (in the 520 area code) from a shelter, a 911 cell phone, legal assistance and support services.

You may not want to tell anyone where you are going, since the abuser may try to obtain this information.

If you think you may want to leave, a careful plan is needed to insure safety. Do not let your abuser know of your plans; act as if things are unchanged.

It is important to organize identification cards, money, keys, and any needed legal documents so they are available should you leave in a hurry. The following are suggested items to keep together in case you leave:

- . Driver's License/Picture [ID](#)
- . Birth Certificates
- . Social Security Cards/Numbers
- . Health Benefit Cards
- . Welfare Identification
- . Address Book
- . Keys
- . Money, Credit Cards, Checkbook
- . Immunization Records
- . Children's favorite toy and blanket
- . Pack a bag with money, keys and clothing and leave it at someone's house
- . Know the fastest exit from your home
- . Know the closest phone to call for help
- . Documentation and/or immigration papers
- . Important phone numbers

If you leave

Leaving an abusive relationship is a very difficult step, one of courage and strength. This step can also be dangerous if you do not plan in advance to maintain safety.

The following are suggested actions you can take in order to maintain safety once you have left an abusive relationship.

- . you can obtain a protective order for yourself personally
- . your boss can obtain a protective order for the workplace
- . inform friends, neighbors, daycare/babysitter and coworkers that you are no longer with your abuser, so they can screen your calls or call the

- . police if your abuser shows up
- . provide your daycare/babysitter with a list of people who have permission to pick up your child
- . change your phone number and screen calls
- . change the locks on your doors and install a security system
- . avoid social places or stores that you frequented while with your abuser
- . if you have to meet your abuser, do it in a public place
- . call a shelter for battered women.

Most importantly, if you are feeling down, upset, confused or are considering returning to the abusive relationship, call a local shelter or hotline number. They can help you talk about your feelings and safe options should you return.

Resources

The National
Domestic Violence
Hotline (24 Hour)
1-800-799-SAFE (7233)
OR
1-800-787-3224 (TDD)

Arizona Coalition
Against Domestic Violence
Legal Advocacy Hotline
1-800-782-6400
OR
602-279-2900

Information and Referral
800-799-7739 (in the 602 area)
800-352-3792 (in the 520 area)



Presented by the
Administrative Office of the Courts
Court Services Division
Court Programs Unit

DOMESTIC VIOLENCE

SAFETY PLAN

Does your partner/family member ever . . .

- . call you names, criticize you or put you down?
- . control what you do and whom you see?
- . threaten to hurt you or others?
- . make you feel afraid?
- . threaten to or use weapons or objects against you?
- . hit, kick, shove or injure you?
- . force or coerce you to engage in unwanted acts, including sexual acts?

If you are leaving an abusive relationship and have or are getting an Order of Protection or an Injunction Against Harassment due to domestic violence, this pamphlet will give you some options and suggestions to help maintain your safety.

APPENDIX G

STATEWIDE RESOURCE LIST

STATEWIDE RESOURCES

Arizona Child Abuse or Neglect Hotline (CPS)	(888) SOS-CHILD
.....	(888) 767-2445
Arizona Coalition Against Domestic Violence Information & Legal Advocacy Hotline	(800) 782-6400
.....	(602) 279-2900
Adult Protective Services.....	(877) SOS-Adult
.....	(877) 767-2385
Boys and Girls Town National Suicide & Crisis Hotline (24 Hours).....	(800) 448-3000
.....	TTY: (800) 448-1833
Community Information & Referral (24 hr. Social Service)	
Phoenix	(602) 263-8856
Northern Arizona	(800) 352-2792
Tucson.....	(520) 881-1794
Southern Arizona	(800) 362-3474
CONTACS (Call Center/Open 24 hour, 7 days-Availability of shelters in Maricopa County)	(800) 799-7739
EMPACT (Sexual Assault Hotline).....	(480) 736-4949
.....	(866) 205-5229
Governor's Division for Women	(602) 542-1773
National Domestic Violence Hotline	(800) 799-SAFE
.....	(800) 799-7233
.....	TTY (800) 787-7224
National Family Violence Hotline	(800) 222-2000
National Sexual Assault Hotline-RAINN	(800) 656-HOPE
.....	(800) 656-4673
National Youth Crisis Hotline	(800) Hit-Home
.....	(800) 448-4663
Parents Anonymous of AZ (Crisis Hotline).....	(800) 352-0528
Southern Arizona Against S.A. (S.A. Hotline)	(520) 327-7273
.....	(800) 400-1001
.....	TTY (520) 327-1721
Supreme Court Parent Assistance Hotline (Information on Parents' Legal Rights)	(800) 732-8193
Victim Rights and Witness Assist Program - AZ State Attorney General	(602) 542-4911
.....	(800) 458-4911

APACHE COUNTY

Domestic Violence - Abuse Crisis Counseling and Services - Apoyo Psicologico para Tratar la Violencia Intrafamiliar y Servicios

Apache Behavioral Health Services.....	(928) 338-4811
Battered Family Services - Crisis Hotline (Gallop, NM)	(505) 722-7483
.....	(800) 634-4508
Behavioral Health Agency of Central Arizona Crisis Line	(520) 836-2880
Hopi Guidance Center.....	(928) 734-2685
Little Colorado Behavioral Health (Springerville)	(928) 333-2683
Navajo Office for Women/Children (Window Rock)	(928) 871-7206
Old Concho Community Assistance	(928) 337-5048
Regional Behavioral Health Services	(928) 774-2070
Domestic Violence - Shelters/Safe Houses (24 hours) - Casa de Asistencia	
ADABI -Safe House	(928) 674-8314
After 5 p.m.	(928) 674-7001
.....	(928) 674-8309
New Hope Ranch	(877) 974-4673
St. Johns – New Hope	(928) 337-4839
.....	(877) 974-4673

Legal Resources & Advocacy - Asesoria Juridica & La Asistencia Contra la Violencia Intrafamiliar

Apache County Attorney Victim Witness Program (St. Johns)	(928) 337-4364
DNA People's Legal Services (Chinle)	(928) 674-5242
DNA People's Legal Services (Window Rock).....	(928) 871-4151
Navajo Dept. of Law Enforcement Victim/Witness (Window Rock)	(928) 871-7584

Orders of Protection/Injunctions Against Harassment - Cortes/Ordenes de Protección

Chinle/Tec Nos Pos Justice Court	(928) 674-5922
Clerk of the Superior Court in Apache County (St. Johns)	(928) 337-7550
Eager/Springerville Municipal Court.....	(928) 333-4613
Puerco Justice Court	(928) 688-2729
Round Valley Justice Court	(928) 333-4613
St. Johns Justice Court	(928) 337-7558

COCHISE COUNTY

Domestic Violence - Abuse Crisis Counseling and Services - Apoyo Psicologico para Tratar la Violencia Intrafamiliar y Servicios

Community Partnership Of Southern Arizona.....	(800) 771-9889
Southeast Arizona Behavioral Health Services	(800) 586-9161
Sierra Vista.....	(520) 458-3932
Bisbee.....	(520) 432-7751
Douglas	(520) 364-6601

Domestic Violence - Shelters/Safe Houses (24 hours) - Casa de Asistencia

Forgach House (Sierra Vista).....	(520) 458-9096
House Of Hope (Douglas)	(520) 364-2465
Women's Transitional Housing (Bisbee).....	(520) 432-1771
Mary's Mission (Transitional Housing-Hereford).....	(520) 417-2115

Legal Resources & Advocacy - Asesoria Juridica & La Asistencia Contra la Violencia Intrafamiliar

Cochise County Attorney Victim Witness Program (Bisbee)	(520) 432-8700
Southern Arizona Legal Aid (Douglas)	(520) 364-7973

Orders of Protection/Injunctions Against Harassment - Cortes/Ordenes de Protección

Benson Municipal Court	(520) 586-9326
Bisbee Municipal Court	(520) 432-4022
Clerk of the Superior Court in Cochise County	(520) 432-9364
Douglas Municipal Court.....	(520) 364-7507
Huachuca City Municipal Court	(520) 456-1354
Sierra Vista Municipal Court	(520) 803-3800
Tombstone Municipal Court	(520) 457-3781
Willcox Municipal Court	(520) 384-4271 Ext. 601
Benson Justice Courts	(520) 586-8100
Bisbee Justice Courts	(520) 432-9540
Bowie Justice Courts.....	(520) 847-2303
Douglas Justice Courts.....	(520) 805-5640
Sierra Vista Justice Courts	(520) 803-3800
Willcox Justice Courts	(520) 384-7000

Adult Protective Services - Servicios de Protección para Mayores (Willcox)(520) 384-3505

COCONINO COUNTY

Domestic Violence - Abuse Crisis Counseling and Services - Apoyo Psicologico para Tratar la Violencia Intrafamiliar y Servicios

Another Way (Page) (Peer Counseling)	(928) 645-5300
Coconino County Crisis Center	(928) 779-6163
Community Behavioral Health Services.....	(928) 645-8180
Flagstaff Catholic Social Services	(928) 774-9125
Guidance Center.....	(928) 527-1899
Kateri Services (Flagstaff)	(928) 779-7141
.....	(928) 913-6626
Lake Powell Institute (Fredonia)	(928) 643-7230
Lake Powell Institute Safe House (pager)	(928) 645-5113
Native Americans for Community Action.....	(928) 526-2968
Northland Family Help Center (24 Hr. Crisis Line)	(928) 527-1700
Regional Behavioral Health Services	(928) 774-2070
Tuba City for Family Harmony	(928) 283-2930

Domestic Violence - Shelters/Safe Houses (24 hours) - Casa de Asistencia

Affordable Housing Coalition.....	(928) 214-7469
Another Way (Page) (24 Hr. Hotline).....	(928) 645-5300
Hope Cottage (Flagstaff).....	(928) 774-9270
Northland Family Help Center (Flagstaff).....	(877) 634-2723
Sunshine Rescue Mission (Flagstaff).....	(928) 774-3512
Tuba City for Family Harmony Inc.	(928) 283-4650
Verde Valley Sanctuary (Cottonwood).....	(928) 634.2511

Legal Resources & Advocacy - Asesoria Juridica & La Asistencia Contra la Violencia Intrafamiliar

DNA People's Legal Services (Flagstaff).....	(928) 774-0653
DNA People's Legal Services (Tuba City).....	(928) 283-5265
Victim Witness Services for Coconino County	(928) 779-6163

Orders of Protection/Injunctions Against Harassment - Cortes/Ordenes de Protección

Clerk of the Superior Court.....	(928) 779-6535
Flagstaff Municipal Court.....	(928) 774-1401
Flagstaff Justice Courts.....	(928) 779-6806

Fredonia Justice Courts.....	(928) 643-7472
Fredonia Municipal Court.....	(928) 643-7241
Page Municipal Court	(928) 645-4280
Williams Justice Courts	(928) 635-2691
Williams Municipal Court	(928) 635-4456
Page Justice Courts	(928) 645-8871

GILA COUNTY

Domestic Violence - Abuse Crisis Counseling and Services - Apoyo Psicologico para Tratar la Violencia Intrafamiliar y Servicios

Apache Behavioral Health Services.....	(928) 338-4811
Behavioral Health Agency of Central Arizona.....	(928) 836-1688
Family Peace Behavioral Health.....	(928) 338-4811
Horizon Human Services Crisis Line	((928) 402-0648
.....	(800) 890-2880
Rim Guidance Center (Payson)	(928) 474-3303
San Carlos Apache Tribe Social Service (San Carlos)	(928) 475-2313
San Carlos Behavioral Health.....	(928) 475-2371

Domestic Violence - Shelters/Safe Houses (24 hours) - Casa de Asistencia

Horizon Human Services - Gila County Safehouse (Globe)	(928) 402-9297
Mothers and Children Safehouse (MACS) (Globe).....	(928) 425-3639
Time Out (Payson).....	(928) 472-8007
White Mountain Safe House (Pinetop/Navajo County)	(928) 367-6017
Emergency Only	(800) 224-1315

Legal Resources & Advocacy - Asesoria Juridica & La Asistencia Contra la Violencia Intrafamiliar

Community Legal Services

Miami.....	(928) 473-2412
Payson.....	(928) 472-7255
San Carlos	(928) 475-2430
Four Rivers Pinal/Gila Counties Legal Aid.....	(928) 723-5410
Gila County Attorney's Office Victim Witness Program.....	(928) 425-3231 Ext. 298

Orders of Protection/Injunctions Against Harassment - Cortes/Ordenes de Protección

Globe Municipal Court	(928) 425-9651
Hayden Municipal Court.....	(520) 356-7801
Payson Municipal Court	(928) 474-5267
Winkelman Municipal Court	(520) 356-7854
Globe Justice Court.....	(928) 425-3231 Ext. 8539
Hayden-Winkleman Justice Court	(928) 425-3231 Ext. 8535

Miami Justice Court.....	(928) 425-3231 Ext. 8544
Payson Justice Court.....	(928) 474-5267
Pine Justice Court	(928) 474-5267
Clerk of the Superior Court.....	(928) 425-3231 Ext. 8556
Adult Protective Services - Servicios de Protección para Mayores (Globe)	(928) 425-3101

GRAHAM COUNTY

Domestic Violence - Abuse Crisis Counseling and Services - Apoyo Psicologico para Tratar la Violencia Intrafamiliar y Servicios

Apache Behavioral Health Services.....	(928) 338-4811
Behavioral Health Agency of Central Arizona Crisis Line	(520) 836-2880
Behavioral Health Agency of Central Arizona (928) 836-2880, (928) 836-1688	
Community Partnership Of Southern Arizona.....	(800) 771-9889
Graham-Greenlee Counseling Center (Crisis Hotline)	(928) 428-4550
Mt. Graham Safe House - Crisis Intervention 24 Hour Hotline	(928) 348-9104
.....	(888) 269-9104
San Carlos Tribal Social Services	(928) 475-2313
Southeastern Arizona Behavioral Health Service Safford.....	(928) 428-4550
Morenci	(928) 865-4531
Willcox.....	(928) 384-2521
Bylas	(928) 485-2686

Domestic Violence - Shelters/Safe Houses (24 hours) - Casa de Asistencia

Graham County Community Action Program	(928) 428-2872
Mt. Graham Safe House (Safford)	(928) 348-9104
.....	(888) 269-9104
San Carlos Tribal Social Services	(928) 475-2313

Legal Resources & Advocacy- Asesoria Juridica & La Asistencia Contra la Violencia Intrafamiliar

Graham County Attorney/ Victim Witness Program.....	(928) 428-4787
Southern Arizona Legal Aid	(520) 428-4213
Mt. Graham Safe House Victim Advocacy	(928) 348-9104

Orders of Protection/Injunctions Against Harassment - Cortes/Ordenes de Protección

Clerk of the Superior Court.....	(928) 428-3100
Graham Justice Court.....	(928) 485-2771
Pima Municipal Court.....	(928) 485-2611
Safford Justice Court.....	(928) 428-1210
Safford Municipal Court	(928) 348-3179
Thatcher Municipal Court.....	(928) 428-2290

Adult Protective Services - Servicios de Protección para Mayores (Safford)(928) 428-7702

GREENLEE COUNTY

Domestic Violence - Abuse Crisis Counseling and Services - Apoyo Psicologico para Tratar la Violencia Intrafamiliar y Servicios

Apache Behavioral Health Services.....	(928) 338-4811
Behavioral Health Agency of Central Arizona Crisis Line	(520) 836-2880
Behavioral Health Agency of Central Arizona.....	(928) 836-2880
.....	(928) 836-1688
Community Partnership Of Southern Arizona.....	(800) 771-9889
Graham-Greenlee Counseling Center (Crisis Hotline)	(928) 428-4550
Mt. Graham Safe House - Crisis Intervention 24 Hour Hotline	(928) 348-9104
.....	(888) 269-9104
San Carlos Tribal Social Services.....	(928) 475-2313
Southeastern Arizona Behavioral Health Service	
Safford.....	(928) 428-4550
Morenci.....	(928) 865-4531
Willcox.....	(928) 384-2521
Bylas	(928) 485-2686

Domestic Violence - Shelters/Safe Houses (24 hours) - Casa de Asistencia

Graham County Community Action Program	(928) 428-2872
Mt. Graham Safe House.....	(928) 348-9104
San Carlo Behavioral Health (Graham/Gila/Navajo)	(928) 475-4875

Legal Resources & Advocacy - Asesoria Juridica & La Asistencia Contra la Violencia Intrafamiliar

Greenlee County Attorney Victim Assistance Program	(928) 865-4108
Mt. Graham Safe House Victim Advocacy	(928) 348-9104
Southern Arizona Legal Aid	(520) 428-4213

Orders of Protection/Injunctions Against Harassment - Cortes/Ordenes de Protección

Clerk of the Superior Court.....	(928) 865-4242
Clifton/Morenci Justice Court.....	(928) 865-4312
Clifton Municipal Court.....	(928) 865-4146
Duncan Municipal Court.....	(928) 359-2536
Duncan Justice Court	(928) 359-2536

Adult Protective Services - Servicios de Protección para Mayores (Safford)(928) 428-7702

LA PAZ COUNTY

Domestic Violence - Abuse Crisis Counseling and Services - Apoyo Psicologico para Tratar la Violencia Intrafamiliar y Servicios

New Life Guidance Center (Parker)(928) 669-6161
The Excel Group(928) 669-6669

Domestic Violence - Shelters/Safe Houses (24 hours) - Casa de Asistencia

Colorado River Regional Crisis Shelter (Parker).....(928) 669-0107

Legal Resources & Advocacy- Asesoria Juridica & La Asistencia Contra la Violencia Intrafamiliar

Information and Referral Service (Quartzsite)(928) 927-3700
La Paz County Attorney Victim Witness Program.....(928) 669-6118

Orders of Protection/Injunctions Against Harassment - Cortes/Ordenes de Protección

Clerk of the Superior Court.....(928) 669-6131
Parker Justice Court(928) 669-2504
Parker Municipal Court.....(928) 669-9265
Quartzsite Justice Court(928) 927-6314
Quartzsite Municipal Court.....(928) 927-7477
Salome Justice Court.....(928) 859-3871

MARICOPA COUNTY

Domestic Violence - Abuse Crisis Counseling and Services - Apoyo Psicologico para Tratar la Violencia Intrafamiliar y Servicios

Area Agency on Aging (Elderly).....	(602) 264-2255
Autumn House (Mesa).....	(480) 835-5555
Center Against Family Violence (Mesa)	(480) 644-4075
Centro de Amistad, Inc.	(480) 839-2926
Child Crisis Center - Phoenix East Valley.....	(480) 969-2308
Chrysalis (North Phoenix)	(602) 944-4999
Chrysalis (Phoenix).....	(602) 955-9059
Chrysalis (Scottsdale)	(480) 481-0402
DeColores - Chicanos Por La Causa/Phoenix	(602) 269-1515
Faith House/ Prehab (Glendale).....	(623) 939-6798
Family Service Agency.....	(602) 264-9891
Fresh Start	(602) 252-8494
Gila River Indian Community Tribal Social Services (Sacaton).....	(520) 562-3396
.....	(480) 899-9565
Jewish Family and Children's Services (Phoenix)	(602) 279-7655
.....	(480) 994-8477
My Sister's Place (Chandler)	(480) 821-1024
New Life Center (Goodyear)	(623) 932-4404
Phoenix Family Advocacy Center	(602) 534-2120
.....	(888) 246-0303
Phoenix Indian Center.....	(602) 263-1017
Salt River, Pima and Maricopa Indian Community Social Services (Scottsdale)	(480) 850-8484
Salvation Army	(602) 267-4100
Scottsdale Family Advocacy Center	(480) 312-6300
Sojourner Center (Phoenix)	(602) 244-0089
Southwest Behavioral Health.....	(602) 257-9339
Tumbleweed (Teenagers).....	(602) 841-5799
Value Options (Crisis Hotline)	(602) 222-9444
.....	(800) 631-1314
Value Options (Behavioral Health Services).....	(602) 914-5800
.....	(800) 564-5465

West Valley Family Advocacy Center(623) 930-3720

Domestic Violence - Shelters/Safe Houses (24 hours) - Casa de Asistencia

PREHAB Autumn House(480) 835-5555

Cassie's House(623) 936-7446

Center for Hope (Prostituted Women)(602) 274-3680

Child Crisis Center – East Valley (Children Only)(480) 969-2308

Chrysalis(602) 944-4999

Chrysalis(480) 481-0402

CONTACS Shelter Hotline.....(800) 799-7739

Crisis Nursery-Children (Children Only)(602) 273-7363

De Colores(602) 269-1515

.....(602) 257-0700

DOVES (Domestic Older Victims Empower & Safety).....(602) 264-4357

.....(888)-264-2258

PREHAB Faith House(623) 939-6798

Homeward Bound(602) 263-7654

My Sister's Place(480) 821-1024

New Life Center.....(623) 932-4404

Salvation Army's Elim House(602) 267-4111

.....(888) 267-0197

Sojourner Center(602) 244-0089

YWCA of Maricopa County – Haven House(602) 258-0990

Legal Resources & Advocacy- Asesoria Juridica & La Asistencia Contra la Violencia Intrafamiliar

Arizona Coalition Against Domestic Violence.....(602) 279-2900

.....(800) 782-6400

Center Against Family Violence (Mesa)(480) 644-4075

Community Legal Services - (Phoenix).....(602) 258-3434

Crime Victims' Legal Assistance Project.....(480) 965-5640

Four Rivers Indian Legal Services (Sacaton)(520) 562-3369

Family Lawyers Assistance Project.....(602) 506-7948

Maricopa County Attorney Victim Witness(602) 506-8522

Maricopa County Bar Association Lawyer Referral Services (Phoenix)(602) 257-4434

Phoenix City Prosecutor Victim Services.....(602) 261-8192

West Valley Family Advocacy Center(623) 930-3720

Orders of Protection/Injunctions Against Harassment - Cortes/Ordenes de Protección

Avondale Municipal Court(623) 932-3860
Buckeye Justice Court.....(623) 386-4289
Buckeye Municipal Court.....(623) 386-7840
Carefree Municipal Court(602) 488-3686
Cave Creek Municipal Court(480) 488-1400
Chandler Justice Court.....(480) 963-6691
Chandler Municipal Court(480) 782-4700
Center Against Family Violence (Mesa)(480) 644-4075
Central Phoenix Justice Court.....(602) 254-1488
East Mesa Justice Court.....(480) 985-0188
El Mirage Municipal Court.....(623) 815-2186
East Phoenix #1 Justice Court.....(602) 254-1599
East Phoenix #2 Justice Court.....(602) 266-3741
East Tempe Justice Court.....(480) 967-8856
Fountain Hills Municipal Court.....(480) 816-5103
Gila Bend Justice Court(928) 683-2651
Gila Bend Municipal Court.....(928) 683-2781
Gilbert/Queen Creek Municipal Court.....(480) 503-6670
Glendale Justice Court(623) 939-9477
Glendale Municipal Court.....(623) 930-2400
Goodyear Municipal Court(623) 932-3013
Guadalupe Municipal Court.....(480) 505-5378
.....(480) 505-5379
Litchfield Park Municipal Court.....(623) 935-7091
Maricopa County Self-Service Center(602) 506-SELF
.....(602) 506-7353
Maryvale Justice Court(623) 245-0432
Mesa Municipal Court(480) 644-2255
North Mesa Justice Court.....(480) 926-9731
Northeast Phoenix Justice Court.....(602) 494-0620
North Valley Justice Court.....(623) 915-2877
Northwest Phoenix Justice Court.....(602) 395-0293

Peoria Justice Court	(623) 395-0294
Peoria Municipal Court.....	(623) 773-7400
Phoenix Municipal Court.....	(602) 262-6421
Scottsdale Justice Court	(480) 443-6619
Scottsdale Municipal Court.....	(480) 312-2442
South Mesa/Gilbert Justice Court	(480) 926-3051
South Phoenix Justice Court	(602) 243-0318
Surprise Municipal Court.....	(602) 583-1082
Tempe Municipal Court.....	(480) 350-8454
Tolleson Justice Court.....	(623) 936-1449
Tolleson Municipal Court	(623) 936-7111
West Mesa Justice Court.....	(480) 964-2958
West Phoenix Justice Court	(602) 256-0292
West Tempe Justice Court	(480) 705-7349
Wickenburg Justice Court.....	(928) 684-2401
.....	(602) 506-1554
Wickenburg Municipal Court	(928) 684-5451
Youngtown Municipal Court	(623) 972-8226
Adult Protective Services - Servicios de Protección para Mayores (Phoenix)	(877) 505-ADULT
.....	(877) 767-2385
.....	(602) 255-0996

MOHAVE COUNTY

Domestic Violence - Abuse Crisis Counseling and Services - Apoyo Psicologico para Tratar la Violencia Intrafamiliar y Servicios

WestCare AZ, Inc./Safe House of Bullhead City	(928) 763-7233
Catholic Social Service (Bullhead City)	(928) 758-4176
Catholic Social Service (Lake Havasu)	(928) 855-4960
Coalition Against Domestic Violence Crisis Hotline	(928) 855-8877
Kingman Crisis Counseling Services.....	(928) 753-1625
Mohave Mental Health Clinic (Bullhead City).....	(928) 758-5905
Mohave Mental Health Clinic (Kingman)	(928) 757-8111
Mohave Mental Health Clinic (Lake Havasu City)	(928) 855-3432
Regional Behavioral Health Services	(928) 774-2070
Sarah's House	(928) 718-5522
Social Services Interagency Council (Lake Havasu).....	(928) 855-8877

Domestic Violence - Shelters/Safe Houses (24 hours) - Casa de Asistencia

Kingman Aid to Abused Persons.....	(928) 753-6222
24 Hr. Hotline	(928) 753-4242
Social Services Interagency Council (Lake Havasu).....	(928) 453-5800
West Care AZ/Safe House of Bullhead City	(928) 763-SAFE
.....	(928) 763-7233

Legal Resources & Advocacy- Asesoria Juridica & La Asistencia Contra la Violencia Intrafamiliar

24 Hour Information & Referral	(800) 352-3792
Interagency Council (Lake Havasu)	(928) 453-5800
Kingman Aid to Abused Persons.....	(928) 753-4242
Mohave County Attorney's Office Victim Witness Program - Kingman	(928) 753-0719
Mohave County Victim Witness Program.....	(928) 718-5522
Orders of Protection/Injunctions Against Harassment - Cortes/Ordenes de Protección	
Bullhead City Justice Court	(928) 758-0709
Bullhead City Municipal Court.....	(928) 763-0130
Clerk of the Superior Court.....	(928) 753-0713
Colorado City Municipal Court	(928) 643-7104
Kingman Justice Court.....	(928) 753-0710

Kingman Municipal Court	(928) 753-8193
Lake Havasu City Justice Court.....	(928) 453-0705
Lake Havasu City Municipal Court	(928) 453-0705
Moccasin Justice Court	(928) 643-7104
 Adult Protective Services - Servicios de Protección para Mayores (Bullhead City).....	 (928) 763-8388

NAVAJO COUNTY

Domestic Violence - Abuse Crisis Counseling and Services - Apoyo Psicologico para Tratar la Violencia Intrafamiliar y Servicios

Apache Behavioral Health Center (White River)	(928) 338-4811
Behavioral Health Agency of Central Arizona (Crisis Line).....	(928) 836-2880
.....	(800) 890-2880
Community Counseling Center (Holbrook).....	(928) 524-6125
Community Counseling Center (Show Low)	(928) 537-2951
Family Solutions (Window Rock)	(928) 524-3838
Hopi Guidance Center Second Mesa (Keams Canyon).....	(928) 737-2586
Winslow Guidance Associates (Winslow).....	(928) 289-2650

Domestic Violence - Shelters/Safe Houses (24 hours) - Casa de Asistencia

Tohdenasshai Shelter/Home (Kayenta)	(928) 697-8591
White Mountain SAFE House (Pine Top/Lakeside)	(928) 367-6017
Emergency Only	(800) 224-1315

Legal Resources & Advocacy - Asesoria Juridica & La Asistencia Contra la Violencia Intrafamiliar

DNA People's Legal Services (Keams Canyon)	(928) 738-5231
Navajo County Family Advocacy Services	
Winslow	(928) 289-6823
Holbrook	(928) 524-4750
Mountain Legal Aid (Lakeside).....	(800) 658-7958
White Navajo County Victim Services Division	(928) 524-4026
White Mountain Legal Aide (Show Low)	(928) 537-8383

Orders of Protection/Injunctions Against Harassment - Cortes/Ordenes de Protección

Clerk of the Superior Court.....	(928) 524-4188
Holbrook Justice Court	(928) 524-4720
Kayenta Justice Court	(928) 697-3522
Pinetop/Lakeside Justice Court.....	(928) 368-6200
Pinetop/Lakeside Municipal Courts.....	(928) 368-6200
Show Low Justice Court	(928) 532-6030
Show Low Municipal Court.....	(928) 532-4170

Snowflake Justice Court(928) 536-4141
Winslow Municipal Court.....(928) 289-5860
Adult Protective Services - Servicios de Protección para Mayores (Bullhead City).....(928) 763-8388

PIMA COUNTY

Domestic Violence - Abuse Crisis Counseling and Services - Apoyo Psicologico para Tratar la Violencia Intrafamiliar y Servicios

Catholic Social Services	(520) 623-0344
Center For Life Skills Development	(520) 229-6220
Children's Crisis Services.....	(520) 628-5241
Community Partnership Of Southern Arizona.....	(800) 771-9889
Family Counseling Agency.....	(520) 327-4583
Help On Call - Crisis Hotline.....	(520) 323-9373
Jewish Family & Children's Services LEAH Program	(520) 795-0300 Ext. 228
La Frontera Center	(520) 624-8062
Oasis Center, University of Arizona.....	(520) 626-2051
Reflection Family Services Inc.	(520) 795-0981
Southern Arizona Center Against Sexual Assault	(520) 327-1171
Su Voz Vale-Your Voice Counts.....	(520) 434-0195
Tohono O'odham/Papago Tribes (Sells)	(520) 383-6300
Tucson Center for Women & Children.....	(520) 795-4266
Wingspan Legal Advocacy -LGBT Program (Tucson)	(800) 553-WDVP
.....	(800) 553-9387
YWCA Women's Counseling Network.....	(520) 884-7810
TTY	(520) 884-0450

Domestic Violence - Shelters/Safe Houses (24 hours) - Casa de Asistencia

AVA Crisis Center.....	(520) 795-4880
Brewster Center/West House - Tucson (Crisis).....	(520) 622-6347
.....	(877) 472-1717
Brewster Center/Casa Amparo - South Tucson (Habla Español).....	(520) 746-1501
Casa de Los Ninos - Children	(520) 624-5600
New Beginnings - Tucson.....	(520) 292-0648
Open Inn Runaway Shelter (Tucson/Youths 8-18 only).....	(520) 670-9040
Our Town Family Center (Adolescents only).....	(520) 323-1708
Tucson Center for Women & Children.....	(520) 795-4266
Wingspan (LGBT)	(520) 624-0348
.....	(800) 553-WDVP

.....(800) 553-9387

Legal Resources & Advocacy- Asesoría Jurídica & La Asistencia Contra la Violencia Intrafamiliar

Brewster Center Victim Advocacy Program(520) 791-4091
Casa de Los Ninos - Family Visitation Services (520) 624-5600 Ext. 401
Community Legal Services (San Luis)(520) 627-8023
Four Rivers Papago Legal Services (Sells).....(520) 383-2420
Indian Health Service- San Xavier Health Service (Tucson)(520) 295-2405
Lawyers Referral Services(520) 623-4625
Pima County Attorney Victim Witness Program.....(520) 740-5525
Pima County Sheriff Domestic Violence Unit.....(520) 741-4671
Southern Arizona Legal Aid, Inc (Immigration Services - Servicios para los Immigrantes).....(520) 623-9465
The University of Arizona College of Law-The Domestic Violence Law Clinic(520) 626-5232
Tucson Police Domestic Violence Unit.....(520) 791-2520
Victim Witness Advocacy Program.....(520) 740-5520

Orders of Protection/Injunctions Against Harassment - Cortes/Ordenes de Protección

Ajo Justice Court.....(520) 387-7684
Clerk of the Superior Court.....(520) 740-3201
Green Valley Justice Court(520) 648-0658
Marana Municipal Court.....(520) 682-3980
Oro Valley Municipal Court(520) 297-3205
Pima County Consolidated Justice Court(520) 740-3171
Sahuarita Municipal Court.....(520) 399-4244
South Tucson Municipal Court.....(520) 792-2424
Tucson Municipal Court(520) 791-3260

Adult Protective Services - Servicios de Protección para Mayores (Tucson)(520) 628-6810

PINAL COUNTY

Domestic Violence - Abuse Crisis Counseling and Services - Apoyo Psicologico para Tratar la Violencia Intrafamiliar y Servicios

Against Abuse-Crisis Hotline (Casa Grande)	(520) 836-0858
CAAFA (Community Alliance Against Family Abuse).....	(480) 982-0205
.....	(480) 982-0196
.....	(877) 982-0196
Gila River Indian Community Tribal Social Services	(520) 562-3396
Horizon Human Services (Crisis Line).....	(520) 836-2880
Horizon Human Services (Outpatient Services)	(520) 836-1688
Pinal County DV Coalition	(520) 466-7765
Pinal Hispanic Council/Centro De Unidad	(520) 723-7405
San Pedro Valley Behavioral Health Agency.....	(520) 896-9240
Superior Counseling Services of Superstition Mountain Mental Health.....	(520) 689-2457
Superstition Mountain Mental Health.....	(480) 983-0571

Domestic Violence - Shelters/Safe Houses (24 hours) - Casa de Asistencia

Against Abuse Shelter.....	(520) 836-0858
Community Alliance Against Family Abuse Shelter (24 Hours)	(480) 982-0196
.....	(877) 982-0196

Orders of Protection/Injunctions Against Harassment - Cortes/Ordenes de Protección

Apache Junction Municipal Court	(480) 982-8250
Apache Junction Justice Court.....	(480) 982-2921
Casa Grande Justice Court	(520) 836-5471
Casa Grande Municipal Court	(520) 421-8675
Clerk of the Superior Court.....	(520) 866-6296
Coolidge Municipal Court	(520) 723-5361 Ext. 6013
Eloy Municipal Court	(520) 466-3913
Florence Justice Court.....	(520) 866-7193
Florence Municipal Court	(520) 866-7514
Kearny Municipal Court	(520) 363-7752
Mammoth/San Manuel Justice Court.....	(520) 487-2262
Maricopa/Stamfield Justice Court.....	(520) 568-2451

Oracle Justice Court.....	(520) 896-9250
Superior/Kearny Justice Court.....	(520) 689-5871
Adult Protective Services - Servicios de Protección para Mayores (Casa Grande)	(520) 836-2351

SANTA CRUZ COUNTY

Domestic Violence - Abuse Crisis Counseling and Services - Apoyo Psicologico para Tratar la Violencia Intrafamiliar y Servicios

Southeastern Arizona Behavioral Health Services	(520) 281-9189
Crisis Line.....	(520) 281-1419
.....	(800) 586-9161
Administrative Office	(520) 287-4713

Domestic Violence - Shelters/Safe Houses (24 hours) - Casa de Asistencia

Crossroads Rescue Mission (formerly New Life Center) (Nogales)	(520) 287-5828
(888) 287-5828	
Southeastern Arizona Behavioral Health Services	(520) 281-9189

Legal Resources & Advocacy - Asesoria Juridica & La Asistencia Contra la Violencia Intrafamiliar

Southern Arizona Legal Aid (Nogales) (Immigration Services – Servicios para los Immigrantes)	(520) 287-9441
Southern Arizona Legal Aid (Tucson) (Immigration Services - Servicios para los Immigrantes)	(800) 640-9465

Orders of Protection/Injunctions Against Harassment - Cortes/Ordenes de Protección

Clerk of the Superior Court.....	(520) 375-7700
East Santa Cruz Justice Court (Sonoita)	(520) 455-5796
Nogales Municipal Courts	(520) 287-3181
Nogales Justice Court	(520) 375-7760
Patagonia Municipal Courts.....	(520) 394-2958

Adult Protective Services - Servicios de Protección para Mayores (Nogales)	(520) 287-9441
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Child Protective Services – Servicios de Protección para los Ninos	(520) 287-4126
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YAVAPAI COUNTY

Domestic Violence - Abuse Crisis Counseling and Services - Apoyo Psicologico para Tratar la Violencia Intrafamiliar y Servicios

Behavioral Health Agency of Central Arizona	(928) 836-2880
.....	(928) 836-1688
Faith House	(928) 445-4673
Prescott Life Skills	(928) 776-0650
Regional Behavioral Health Services	(928) 774-2070
Stepping Stones (Prescott)	(928) 445-4673
Verde Valley Guidance Clinic	(928) 634-2236
Verde Valley Sanctuary	(928) 634-2511
.....	(800) 730-7233
West Yavapai Guidance Center	(928) 445-7730
Yavapai/Apache Tribes (Camp Verde)	(928) 567-3649
Yavapai Family Advocacy Center (Prescott Valley)	(928) 775-0669

Domestic Violence - Shelters/Safe Houses (24 hours) - Casa de Asistencia

Stepping Stones (Prescott)	(928) 445-4673
Turning Point (Youths 6-17 only)	(928) 778-7900
.....	(800) 628-3089
Verde Valley Sanctuary (Cottonwood)	(928) 634-2511

Legal Resources & Advocacy - Asesoria Juridica & La Asistencia Contra la Violencia Intrafamiliar

Community Legal Services	(800) 233-5114
Victim Witness Program - Verde Valley	(928) 567-7757
Verde Valley Sanctuary Legal Program (Sedona)	(928) 639-2079
Yavapai County Attorney Victim Witness Program	(928) 771-3485

Orders of Protection/Injunctions Against Harassment - Cortes/Ordenes de Protección

Bagdad Justice Court	(928) 633-2141
Camp Verde Municipal Court	(928) 567-6635
Chino Valley Municipal Court	(928) 636-4534
Clarkdale Municipal Court	(928) 634-9591
Clerk of the Superior Court	(928) 771-3312

Jerome Municipal Court	(928) 634-9591
Mayer Justice Court	(928) 771-3355
Prescott Justice Court.....	(928) 771-3300
Prescott Municipal Court	(928) 771-3300
Sedona Municipal Court	(928) 282-1189
Seligman Justice Court	(928) 422-3281
Verde Valley Justice Court.....	(928) 567-7715
Yarnell Justice Court.....	(928) 427-3318
Adult Protective Services - Servicios de Protección para Mayores (Prescott)	(928) 776-8537

YUMA COUNTY

Domestic Violence - Abuse Crisis Counseling and Services - Apoyo Psicologico para Tratar la Violencia Intrafamiliar y Servicios

Casa De Yuma (Sexual Assault Hotline).....	(928) 782-7273
Catholic Community Service.....	(877) 440-0550
Child and Family Services of Yuma - Children Only.....	(928) 783-2427
Excel, Adult Services, Child and Family Services	(928) 341-0335
Regional Behavioral Health Services	(928) 341-1689

Domestic Violence - Shelters/Safe Houses (24 hours) - Casa de Asistencia

Safe House Shelter.....	(928) 782-0077
Crisis Line.....	(928) 782-0044

Legal Resources & Advocacy - Asesoria Juridica & La Asistencia Contra la Violencia Intrafamiliar

Amberly's Place (Yuma)	(928) 373-0852
Cell.....	(928) 580-9603
Community Legal Services (Yuma)	(928) 782-7511
MCAS Family Advocacy Program.....	(928) 341-3421
The Excel Group (Yuma).....	(928) 329-8995

Orders of Protection/Injunctions Against Harassment - Cortes/Ordenes de Protección

Clerk of the Superior Court.....	(928) 329-2164
San Luis Municipal Court.....	(928) 627-2020
Somerton Justice Court	(928) 627-2722
Wellton Justice Court.....	(928) 785-3321
Wellton Municipal Court	(928) 785-3321
Yuma Municipal Court	(928) 343-8674
Yuma Justice Court.....	(928) 329-2180

Adult Protective Services - Servicios de Protección para Mayores (Yuma)	(928) 782-4343
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TRIBAL

Apache Behavioral Health Services

White Mountain Apache Tribal Guidance (White River).....(928) 338-4346

Gila River Tribal Social Services

Community Social Services(520) 899-9565

Sacaton.....(520) 562-3396

Navajo Nation

Ama Doo Alchini Bighan, Inc. (ADABI) “Preventing and Healing Domestic Violence”(928) 674-8314

.....(928) 674-8309

After 5 PM and weekends call:

Ask for the ADABI On-call Staff(928) 674-7001

Battered Family Services (Gallup, New Mexico).....(505) 722-7483

.....(800) 634-4508

DNA People’s Legal Services(928) 674-5242

Family Crisis Center, Inc.(Farmington, New Mexico)(505) 325-3549

Crisis Line.....(505) 325-1906

Family Harmony Project (Crownpoint, New Mexico)(505) 786-5622

.....(800) 799-5050

Navajo Dept. of Law Enforcement Victim/Witness(928) 871-7556

Navajo Nation Division of Social Services(928) 871-6176

Office of the Chief Prosecutor for the Navajo Nation(928) 871-6198

Office of Women and Families.....(928) 871-6627

.....(928) 871-7206

Roberta’s Place (Grants, New Mexico)(505) 287-7203

Shiprock Home for Women and Children (Shiprock, New Mexico)(505) 368-5124

Volunteers of America, Southwest Safehouse (Durango, Colorado) (Crisis)(303)259-5443

Window Rock DNA Legal Services.....(928) 871-4151

Pascua Yaqui

Family Violence Services(520) 883-5061

Salt River/Pima/Maricopa Tribes

Behavioral Health Division.....(480) 850-8970
Social Services (Scottsdale).....(480) 850-8296

San Carlos Apache Reservation

San Carlos Apache Tribe (San Carlos)(928) 475-2361
San Carlos Tribal Social Services.....(928) 475-2313

San Xavier

Indian Health Service (Tucson)(520) 295-2405

Tohono O'odham/Papago Tribes

Sells.....(520) 383-4590

Yavapai/Apache Tribes

Camp Verde(928) 567-3649

APPENDIX H

DOMESTIC VIOLENCE OFFENDER TREATMENT PROGRAMS AND OFFENDER ACCOUNTABILITY

OFFENDER TREATMENT PROGRAMS AND ACCOUNTABILITY

- A. Criteria of Success for Batterer Intervention Programs (Do Batterer's Programs Work?, Jeffrey L. Edleson, 1995)

Success Benchmarks

1. Violent behavior ends.
2. Threats of violence, direct or indirect, end.
3. Women and children involved are safe and feel safe.
4. Use of manipulative behavior ends.
5. Egalitarian behavior in relationships increases.

- B. A quality batterer intervention program will:

1. Be licensed and follow state standards.
2. Have regular contact with/report to courts.
3. Make victim safety the first priority.
4. Batterer accountability follows.
5. Understand the power and control perspective.
6. Work in a community response system.

- C. Effectiveness of Programs

"BIPs may be effect only in the context of broader criminal justice innovations. It may be helpful to see interventions as part of a broader criminal justice and community response to domestic violence that includes arrest, restraining orders, intensive monitoring of batterers, and changes to social norms that may inadvertently tolerate partner violence. If monitoring is in part responsible for lower re-offense rates, as the Brooklyn experiment suggests, judicial monitoring may be particularly effective." (NIJ, June, 2003. <http://www.ojp.usdog.gov/vao/statistics.htm>)

- D. A quality batterer intervention program will teach:

1. Awareness of the tactics of power and control.
2. That only the offenders are responsible for the behavior.
3. The victim is never the cause of his behavior.
4. No one deserves to be abused.
5. No one has the right to control another.
6. A partner is not property.
7. Abuse/battering is a conscious choice.
8. Abuse is a method of attaining power and control over another.
9. Abuse is not an anger control problem, an addiction problem, or a mental illness. (Healey et.al. 1998).

- E. Batterer intervention should do the following:

1. Have contact with advocates for the victims of their clients and provide timely notification to the victim and probation - or any other appropriate agency - if a new threat to victim safety arises; BIP counselors have a duty to warn -A.R.S. §36-517.02.
2. Meet regularly with representatives of the domestic violence probation and prosecution units to discuss topics of mutual concern; and
3. Meet regularly with representatives of independent battered women's programs to discuss topics of mutual concern. (Healey et.al. 1998).

F. Criminal Justice System Response

The authors of the National Institute of Justice publication state that the “combined impact of arrest, incarceration, adjudication, and intensive probation supervision may send a stronger message to the batterer about the seriousness of his behavior than what is taught in a batterer program.” (Healey, 1998). When BIPs are the only court-ordered sanction, it communicates to the batterer and to the community that the offense is not serious. Programs for the treatment of domestic violence offenders are only one aspect of an effective response. In fact, the moderate success of BIPs as reported may actually be due to the combined effect of the criminal justice response. Offender monitoring by the court, as a single factor, is shown to have a positive impact on recidivism. Also, Judicial Officers' lectures from the bench have been effective in communicating the criminal nature of the actions as well as a strong social disapproval of acts of domestic violence.

Two critical mistakes are made in the interest of “treating” the problem of domestic violence.

1. Ordering anger management

Anger management is an inappropriate referral for domestic violence perpetrators as it ignores the larger dynamic of power and control, which is crucial to understanding the motivation for battering. Anger is only one of many tactics used by the batterer to control and intimidate the victim. The focus on anger also supports the myth that the batterer “lost control” during the battering incident. Decades of listening to the experience of victims tell us that the batterer most definitely chooses how, when, where and whom he batters. He will choose to strike places that can be covered by clothing, is careful to not batter in front of people who could intervene, and can compose himself quickly when police knock at the door. Anger management is a narrow and dangerously incomplete perspective on the problem of domestic violence.

2. Ordering couples' counseling

Couples' counseling is so deleterious a response to domestic violence that 20 states have legislated against its use, including Arizona [A.R.S. §25-403\(R\)](#). A victim's safety is critically compromised if she discloses the abuse in the presence of the offender. She is at high risk of retaliation especially if the batterer feels

exposed and embarrassed. If a no-contact order has been issued, couples' counseling provides an avenue for a violation of that order. Also the fact that a therapist is treating both the victim and perpetrator implies that both are responsible for the violence. This reinforces the accusations by the abuser that the violence is the victim's fault. Also, many practitioners now recognize that by agreeing to provide services to the couple, they are in some way condoning or encouraging a woman to stay in a dangerous situation. Both anger management and couples' counseling are misguided and dangerous attempts to intervene in domestic violence.

G. Substance Abuse Treatment

Where indicated, substance abuse treatment is crucial. Programs are most effective, however, when the treatment for substance abuse occurs separately from the intervention for domestic violence. The use of dual or multi-purpose programs dilutes the message that domestic violence is a crime rather than a mental health issue.

For the BIP to work effectively, entry into the program must occur soon after the offense. In fact, the length of time between the domestic violence event and enrollment may be an important predictor of recidivism. If the offender enters a BIP while the event is still fresh, he may experience remorse and his defenses and denial are less entrenched. If a month or more passes, the details of his behavior fade and the event is less pertinent to the intervention. Experienced facilitators suggest that, over time, minimization and justification of his violent behavior will increasingly characterize the batterer's interpretation of the events that led to his appearance in court.

To increase the possibilities for the success of BIPs, offenders should be matched with culturally appropriate programs geared to ethnic identity, gender, race, sexual orientation, and socio-economic subcultures. Additionally, high-risk offenders or those scoring high on lethality assessments require a more intensive intervention, where available. Intensive programs meet three or more times a week and include a higher level of monitoring.

APPENDIX I

DEPARTMENT OF BEHAVIORAL HEALTH SERVICES ADHS SPECIFICATION FOR OFFENDER TREATMENT AND LIST OF APPROVED DOMESTIC VIOLENCE COUNSELING FACILITIES

ADHS SPECIFICATION FOR OFFENDER TREATMENT

ARTICLE 11. MISDEMEANOR DOMESTIC VIOLENCE OFFENDER TREATMENT

R9-20-1101. Misdemeanor Domestic Violence Offender Treatment Standards

- A. A licensee of an agency that provides misdemeanor domestic violence offender treatment shall ensure that:
1. The agency's program description includes, in addition to the items listed in R9-20-201(A)(2), the agency's method for providing misdemeanor domestic violence offender treatment.
 2. The agency's method for providing misdemeanor domestic violence offender treatment:
 - a. Is professionally recognized treatment for which supportive research results have been published within the five years before the date of application for an initial or renewal license;
 - b. Does not disproportionately or exclusively include one or more of the following:
 - 1) Anger or stress management,
 - 2) Conflict resolution,
 - 3) Family counseling, or
 - 4) Education or information about domestic violence;
 - c. Emphasizes personal responsibility;
 - d. Identifies domestic violence as a means of asserting power and control over another individual;
 - e. Does not require the participation of a victim of domestic violence;
 - f. Includes individual counseling, group counseling, or a combination of individual counseling according to the requirements in R9-20-302; and
 - g. Does not include more than 15 clients in group counseling; and
 3. Misdemeanor domestic violence offender treatment is not provided at a location where a victim of domestic violence is sheltered; and
 4. Misdemeanor domestic violence treatment for a client is scheduled to be completed within not less than four months and not more than 12 months after the client is admitted into misdemeanor domestic violence treatment.
- B. A licensee of an agency that provides misdemeanor domestic violence shall ensure that policies and procedures are developed, implemented, and complied with that:
1. Require a client to complete misdemeanor domestic violence treatment not less than four months or more than 12 months after the date the client is admitted into misdemeanor violence treatment, unless the agency extends the time for completion of the misdemeanor domestic violence treatment;

2. Establish criteria the agency considers when determining whether to extend the time for a client's completion of misdemeanor domestic violence treatment, such as an occurrence of one of the following during the 12 months after the date the client is admitted to misdemeanor violence treatment:
 - a. A client serving jail time,
 - b. Illness of a client or a family member of the client,
 - c. Death of a family member, and
 - d. The court requiring the client to complete more than 52 sessions of misdemeanor domestic violence treatment.
- C. Misdemeanor domestic violence treatment shall include, at a minimum, the following number of sessions, to be completed after the applicable offense for which the client was required to complete misdemeanor violence treatment:
 1. For a first offense, 26 sessions;
 2. For a second offense, 36 hours; and
 3. For a third offense or any subsequent offense, 52 hours,
- D. The duration of a session in subsection (B) shall be:
 1. For an individual session, not less than 45 minutes and not longer than 60 minutes; and
 2. For a group session, not less than 90 minutes and not longer than 180 minutes.
- E. A licensee of an agency that provides misdemeanor domestic violence offender treatment shall ensure that, for each referring court, a policy and procedure is developed, implemented, and complied with for providing misdemeanor domestic violence offender treatment that:
 1. Established:
 - a. The process for a client to begin and complete misdemeanor domestic violence offender treatment;
 - b. The time-line for a client to begin misdemeanor domestic violence offender treatment;
 - c. The time-line for a client to complete misdemeanor domestic violence offender treatment, which shall not exceed 12 months; and,
 - d. Criteria for a client's successful completion of misdemeanor domestic violence offender treatment, including attendance, conduct, and participation requirements.
 2. Requires the licensee that provides misdemeanor domestic violence offender treatment to notify a client at the time of admission of the consequences to the

client, imposed by the referring court or the licensee, if the client fails to successfully complete misdemeanor domestic violence offender treatment;

3. Requires the licensee to notify the referring court or the entity that referred the client to the agency on behalf of the court, in writing, within a time-line established with the referring court or the entity that referred the client to the agency on behalf of the court, when any of the following occur:
 - a. The licensee determines that a client referred by the referring court has not reported for admission to the misdemeanor domestic violence offender treatment program,
 - b. The licensee determines that a client referred by the referring court is ineligible or inappropriate for the agency's misdemeanor domestic violence offender treatment program,
 - c. A client is admitted to the agency's misdemeanor domestic violence offender treatment program,
 - d. A client is voluntarily or involuntarily discharged from the agency's misdemeanor domestic violence offender treatment program,
 - e. A client fails to comply with misdemeanor domestic violence offender treatment, or
 - f. A client completes misdemeanor domestic violence offender treatment;
4. Is reviewed by the referring court or the entity that refers clients to the agency on behalf of the court before the agency provides misdemeanor domestic violence offender treatment;
5. Requires that the review required in subsection (B)(6) be documented, to include:
 - a. The date of the review;
 - b. The name and title of the individual performing the review for the referring court; and
 - c. Changes to the policy and procedure requested by the referring court, if applicable;
6. Requires the licensee to contact the referring court or entity that referred a client to the agency on behalf of the court at least once every 12 months after the date the licensee begins to provide misdemeanor domestic violence offender treatment to determine whether the referring court has made any changes in its procedures or requirements that necessitate changes to the licensee's policy and procedure;
7. Is reviewed and revised as necessary by the licensee at least once every 12 months; and
8. Is maintained at the agency.

9. A licensee of an agency that provides misdemeanor domestic violence offender treatment shall ensure that misdemeanor domestic violence offender treatment is provided by a staff member who is either:
 - a. A behavioral health professional, or
 - b. A behavioral health technician with at least an associate's degree;
10. Satisfies one of the following:
 - a. Has at least six months of full-time work experience with domestic violence offenders or other criminal offenders, or
 - b. Is visually observed and directed by a staff member with at least six months of full-time work experience with domestic violence offenders or other criminal offenders; and
11. Has completed at least 40 hours of education or training in one or more of the following areas within the four years before the date the individual begins providing misdemeanor domestic violence offender treatment:
 - a. Domestic violence offender treatment,
 - b. The dynamics and impact of domestic violence and violent relationships, or
 - c. Methods to determine an individual's potential to harm the individual or another.
 - d. A licensee of an agency that provides misdemeanor domestic violence offender treatment shall ensure that:
 - 1) In addition to meeting the training requirements in R9-20-206(B), a staff member completes at least eight hours of training, every 12 months after the staff member's starting date of employment or contract service, in one or more of the areas listed in subsection (C)(3), and
 - 2) Training required in this Section is documented according to R9-20-206(B)(4).
12. A licensee of an agency that provides misdemeanor domestic violence offender treatment shall ensure that a staff member completes an assessment of each client that includes, in addition to the requirements of R9-20-209, the following:
 - a. Obtaining the case number or identification number assigned by the referring court;
 - b. Determining whether the client has any past or current orders for protection or no-contact orders issued by a court;
 - c. Obtaining the client's history of domestic violence or family disturbances, including incidents that did not result in arrest;

- d. Obtaining the details of the misdemeanor domestic violence offense that led to the client's referral for misdemeanor domestic violence offender treatment; and
 - e. Determining the client's potential to harm the client or another.
- 13. A licensee of an agency that provides misdemeanor domestic violence offender treatment shall ensure that a client who has completed misdemeanor domestic violence offender treatment receives a certificate of completion that includes:
 - a. The case number or identification number assigned by the referring court or, if the agency has made three documented attempts to obtain the case number or identification number without success, the client's date of birth;
 - b. The client's name;
 - c. The date of completion of misdemeanor domestic violence offender treatment;
 - d. The name, address, and telephone number of the agency providing misdemeanor domestic violence offender treatment; and
 - e. The signature of an individual authorized to sign on behalf of the licensee.
- 14. A licensee of an agency that provides misdemeanor domestic violence offender treatment shall:
 - a. Provide the original of a client's certificate of completion to the referring court according to the time-line established in the licensee's policy and procedure,
 - b. Provide a copy of the client's certificate of completion to the client, and
 - c. Maintain a copy of the client's certificate of completion in the client record.

Table of Authorities

Federal Statutes

18 U.S.C. §2265 -----	13
18 U.S.C. §921(a)(32) -----	46
18 U.S.C. §922(g) -----	46
18 USC §2261 -----	25 , 49
18 USC §2262 -----	25 , 49
42 U.S.C. §379.6 (1994) -----	14
18 U.S.C. §921(a), -----	60 , 1
18 U.S.C. 921(a), -----	64
18 U.S.C. §§922(d) -----	1
Title 18 U.S.C. §2265 -----	44
Title 18 U.S.C. §2266 -----	44
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State Statutes

A.R.S. §11-445 -----	60
A.R.S. §12-302(P)(2). -----	83
A.R.S. §12-119.01, -----	80
A.R.S. §12-120.31 -----	80
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